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LOCAL ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN
PASSED AT THE
REGULAR SESSION OF 1899
WITH AN APPENDIX



BY AUTHORITY

LANSING, MICHIGAN
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1899

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1899

NOTE.--The words and sentences enclosed in brackets in the following acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

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460.	An act to Amend section three of Chapter three; section two of Chapter six; sub-section seven of section one of chapter nine; section eight of chapter ten; section six of chapter twenty-four, of an Act entitled "An act to Incorporate the City of Sault Ste. Marie, and to Repeal an Act, entitled 'An act to Reincorporate the Village of Sault Ste. Marie,' approved May twenty-ninth, eighteen hundred and seventy-nine, as amended,' being act number five hundred and thirty-three of the	

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	laws of eighteen hundred and eighty-seven, approved June twenty-first, eighteen hundred and eighty-seven, as amended by the several acts amendatory thereof. Approved June 23, 1899	511
461.	An act to amend Sections one, six and seven of Title two; to amend Title four by adding ten new sections to said Title, which said sections shall be to provide a sinking fund for the payment of certain indebtedness of the city of Grand Rapids, and to provide for the care, custody and disposal of such fund; to amend sections two, three and eight of Title six; to amend sections one, five, six and nine of Title seven, and to add four new sections to said Title; to amend sections one, two, four, six, seven, eight, nine and thirteen of Title nine; to amend section fourteen of Title ten; and to amend Title eleven by repealing sections one to seventeen of said Title, and adding thereto twenty-five new sections, which said sections shall be to create a board of park and cemetery commissioners for the city of Grand Rapids, to define their duties, and fix their compensation; all of said Titles being of Act number three hundred seventy-four of the Local Acts of the State of Michigan for the year eighteen hundred ninety-seven, entitled "An act to Revise the Charter of the City of Grand Rapids," approved March twenty-fifth, eighteen hundred ninety-seven, and to Provide for the submission of said amended sections to the electors of said city for ratification. Approved June 23, 1899	514
462.	An act to amend section number twenty-two of chapter seven of an Act to Provide a Charter for the City of Detroit, and to repeal all acts or parts of acts in conflict therewith, approved June seventh eighteen hundred eighty-three. Approved June 23, 1899	532
463.	An act to provide for a board of education in the city of Grand Rapids, and for the control of the public free schools and public library in the school district included within the limits of the city of Grand Rapids, and to repeal act number three hundred forty-four relative to free schools in the city of Grand Rapids, approved March fifteenth, eighteen hundred seventy-one, and acts amendatory thereto, and acts inconsistent herewith. Approved June 23, 1899	533

LOCAL ACTS, 1899.

[No. 274.]

AN ACT to legalize the Assessment Roll for the township of Polkton, Ottawa county, Michigan, for the year eighteen hundred ninety-eight.

The People of the State of Michigan enact:

SECTION 1. That the assessment roll, prepared by the supervisors of the township of Polkton, in the county of Ottawa, for the year eighteen hundred ninety-eight, as a substitute for the original assessment roll of said township for the year eighteen hundred ninety-eight—which original assessment roll for the year eighteen hundred ninety-eight was burned with the other records of said township—shall constitute the legal and original assessment roll of said township for the year eighteen hundred ninety-eight. Assessment roll legalized.

SEC. 2. For the purpose of the levy and collection of taxes, and for all purposes whatsoever pertaining to the levy and collection of taxes in the township of Polkton, in the county of Ottawa, said assessment roll, as provided in section one of this Act, shall have the same force and effect as that possessed by the original roll, and shall be received in evidence in any court of this State as the original and legal assessment roll of said township for the year eighteen hundred ninety-eight, without prejudice in regard to any former roll. To have same force as original roll.

This Act is ordered to take immediate effect.

Approved January 17, 1899. Received in evidence.

[No. 275.]

AN ACT to authorize the Board of Supervisors of the County of Midland to issue bonds of said County for the purpose of funding and paying the bonded and other indebtedness of said County, and to legalize the action of the Board of Supervisors in directing the issue of funding bonds of the County to the amount of twenty-nine thousand five hundred seventy-seven dollars and ten cents.

The People of the State of Michigan enact:

Supervisors
may issue fund-
ing bonds.

Former bond
issue legalized.

SECTION 1. That it shall be lawful for the Board of Supervisors of Midland County to issue the bonds of said County, for the purpose of funding and paying the outstanding bonded and other indebtedness of said County, and that the action of said Board of Supervisors, in directing the issue of the negotiable bonds of said County, to the amount of twenty-nine thousand five hundred seventy-seven dollars and ten cents, bearing interest at the rate of four per centum per annum, and due and payable fifteen years after date, for the purpose of funding and paying the outstanding bonded indebtedness of the County to the amount of thirteen thousand five hundred dollars, and funding and paying the indebtedness of said County to the several townships and cities therein, to the amount of sixteen thousand seventy-seven dollars and ten cents, be and the same is hereby declared to be legal and valid in every respect; and when, pursuant to the action of said Board hereby legalized, said funding bonds to the amount of twenty-nine thousand five hundred seventy-seven dollars and ten cents, executed in such form and in such denominations as said Board may direct, are issued and delivered for value, they shall be and are hereby made and declared to be valid and binding obligations of said Midland County.

This Act is ordered to take immediate effect.

Approved January 24, 1899.

[No. 276.]

AN ACT to Authorize the Village of Boyne City to borrow Four Thousand Dollars and to issue bonds therefor.

The People of the State of Michigan enact:

Bond issue.

SECTION 1. That, for the purpose of enabling the village of Boyne City, in the county of Charlevoix and State of Michigan, to complete the construction of water works in said village, the said village of Boyne City is authorized and empowered to bor-

row, on the faith and credit of said village, the sum of four thousand dollars, and to issue the bonds of said village for said amount.

SEC. 2. The bonds so issued shall be denominated "water works bonds, second issue." Each of said bonds so issued shall show upon its face the class of indebtedness to which it belongs, that it is issued for the purpose of obtaining money to complete the construction of water works in said village, and from what fund it is payable.

How denominated.

SEC. 3. The village council of said village shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this act, and to issue, in such denominations as said council of said village may deem best, bonds of said village of Boyne City therefor, but such bonds shall not be sold for less than their par value, the rate of interest shall not exceed six per centum per annum, and such bonds shall be made payable not later than twenty years from date of issue.

Time and place of payment.

Must be sold at par; rate of interest.

SEC. 4. Before the above mentioned sum of money shall be borrowed as aforesaid for the purpose aforesaid, and before said sum of money or any portion thereof shall be expended for said purpose, the council shall cause to be made an estimate of the expense of completing the construction of said water works, and the question of raising said sum of four thousand dollars shall be submitted to the electors of said village of Boyne City at its next annual election, to be held on the second Monday in March in the year eighteen hundred ninety-nine, at such place in said village as the council thereof shall designate, and shall be determined as a majority of the electors voting at such election upon said question by ballot shall decide.

Estimate of cost to be made.

Question submitted to electors.

SEC. 5. The manner of stating said question upon the ballot to be used at said election shall be as follows:

"Shall the village of Boyne City be authorized to borrow on the faith and credit of said village the sum of four thousand dollars for the purpose of completing the construction of the water works in said village?" and immediately below, on different lines, shall be printed the word "YES" and the word "NO," so arranged that said electors may vote for or against said question by means of such mark as is or may be prescribed by law.

Form of ballot.

SEC. 6. Notice of said time and place of holding said election, and of said question so to be voted upon as aforesaid, shall be given in accordance with the provisions of section four of chapter three of act number three of the public acts of eighteen hundred ninety-five of the State of Michigan; and, where not in this act specially provided for, the said election shall in all respects be conducted, the vote cast on said question canvassed, and the result declared, in accordance with the provisions of said chapter three of act number three of the public acts of eighteen hundred ninety-five of the State of Michigan.

Notice of election.

This act is ordered to take immediate effect.

Approved February 8, 1899.

[No. 277.]

AN ACT to authorize the townships of Benton and Inverness in the County of Cheboygan to borrow money for the construction of a bridge over the Cheboygan river dividing said townships.

The People of the State of Michigan enact:

Authorized to
borrow money.

SECTION 1. That the townships of Benton and Inverness in the county of Cheboygan, are hereby authorized to borrow not to exceed in the aggregate the sum of eight thousand dollars, and not to exceed the sum of four thousand dollars by either of said townships for the construction of a bridge over the Cheboygan river on the section line between sections seventeen and eighteen in township thirty-seven north, range one west.

Who to deter-
mine cost.

SEC. 2. The township boards, together with the commissioners of highways of said townships of Benton and Inverness, acting jointly, shall first determine irrespective of the kind and general plan of the proposed bridge, and the estimated cost and expense thereof, which cost and expense shall be borne equally by said townships.

Question sub-
mitted to elect-
ors, how.

SEC. 3. The question of borrowing money for the construction of such bridge shall be submitted to the electors of each of said townships at a special township meeting to be called and held for that purpose. The time for holding such meeting in the respective townships shall be designated and fixed by the township board of each township. Notice of such meeting shall be given by the clerk of said townships respectively, by posting written or printed notices thereof in five public places in each of said townships, at least ten days prior to the date fixed for the holding of the election. Such notices shall state the object of the meeting and the question to be submitted. The question shall be determined in each township as a majority of the electors voting therein shall decide. The election shall be conducted, the votes canvassed and returned conformable as near as may be to the general laws of the State applicable to annual township meetings. The registration as completed for the annual township meeting next prior thereto shall be the registration for such special meeting and no other or further registration shall be necessary. The ballots to be used at such election shall conform, as near as may be, to the requirements of the general laws of the State applicable thereto.

Election, how
conducted.

Bond issue, rate
of interest, etc.

SEC. 4. If the vote shall be in favor of the proposition, then the bonds of each township may be issued in such form and in such sums, not exceeding in the aggregate the amount voted, and for such length of time, not exceeding ten years, and at such rate of interest, not exceeding six per cent, payable annually, as the township board of the townships respectively may determine. Such bonds shall be disposed of under the

direction of the township board of the townships respectively, upon such terms as they may deem advisable, but at not less than par value, and the avails thereof shall be used, so far as necessary, for the construction of the bridge mentioned in section one of this act and the expenses connected therewith, and the balance, if any, shall be placed to the credit of the general highway and bridge fund of the township.

SEC. 5. The township boards of said several townships shall raise by tax upon the taxable property of said townships, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due. Tax levy.

This act is ordered to take immediate effect.

Approved February 8, 1899.

[No. 278.]

AN ACT to authorize and empower and enable the city of Ann Arbor to construct and maintain a system of sewers, and to raise the necessary money therefor, and to provide for the re-assessment of all taxes heretofore levied under and by virtue of act number four hundred thirteen, of the local acts of eighteen hundred ninety-three, and act number three hundred thirteen, of the local acts of eighteen hundred ninety-five, and which heretofore shall have been or hereafter may be declared invalid by any court of competent jurisdiction. And to legalize an ordinance of said city relative to such sewer system passed by the common council of the city of Ann Arbor May twenty-first, eighteen hundred ninety-four, and approved May twenty-fourth, eighteen hundred ninety-four.

The People of the State of Michigan enact:

SECTION 1. The city of Ann Arbor is hereby authorized and empowered to construct and maintain a system of sewers within said city, and to require, under suitable penalties, all dwelling houses, hotels and other inhabited buildings situate in said city and adjacent to any part of said sewer system, to connect therewith; and to construct and maintain the outlet thereof in the Huron river at any convenient place easterly from the Michigan Central railroad company's principal station house in the city of Ann Arbor. To construct and maintain sewer system.

SEC. 2. All lateral and connecting sewers may be constructed at the cost and expense of the lands, tenements and premises adjacent thereto and benefited thereby, and the cost thereof may be levied on and assessed against such lands, tenements and premises, and collected from the owners thereof by foot frontage, according to benefits, by land values, or by land Laterals, how constructed.

values exclusive of improvements erected thereon, as the common council shall or may determine by ordinance. The common council shall have power and authority to make and ordain all needful rules, regulations and ordinances, which shall or may be necessary to enable said city to construct, maintain and protect such system of sewers, including all lateral and connecting sewers.

Common council may effect loans.

SEC. 3. The common council of said city is hereby authorized and empowered to raise by loan on the taxable property of said city, a sum of money not exceeding one hundred fifty thousand dollars, for a period not longer than five years, and at a rate of interest not greater than five per cent per annum, for the purpose of enabling said city to construct said sewer system: *Provided*, That not more than forty thousand dollars of such bonded indebtedness shall be outstanding at any one time.

Proviso.

Lateral sewers, how assessed.

SEC. 4. The common council shall assess the cost of the construction of all lateral and connecting sewers, (excepting street crossings, which shall be a charge against the general sewer fund) upon all the property adjacent thereto as aforesaid, and all such assessments, with the interest thereon, shall remain a valid lien and charge against such premises so taxed, and a valid debt and charge against the owner thereof until paid, and all such taxes and assessments shall be paid by the owner or person against whom the same may have been assessed, in equal annual installments during a period not exceeding five years from the date of such levy and assessment, with interest thereon at the same rate, not exceeding five per cent, which shall be stated in the bonded indebtedness created therefor: *Provided*, That any person may elect and pay the whole of any such assessment at any time, paying all accrued interest thereon, and all such payments shall be credited to the particular sewer fund for the construction of which sewer the same may have been levied, and shall be applied to pay the particular bonds issued therefor.

Proviso as to payment of assessment.

Annual sewer taxes, how raised.

SEC. 5. It shall be lawful for, and the common council shall, on or before the fourth Monday in June in each year, certify to the city assessor the sum or sums of money required to pay for all the laterals and connecting sewers which they require to be raised on the tax roll of that year, together with a description of the lands and premises to be taxed for the same, and the city assessor shall place on the city tax roll of that year all such sum or sums so required to be raised, according to the provisions of the ordinances of said city, placing said sewer tax in a separate column on said tax roll, and said sum or sums of money so set down and spread upon such tax roll shall be, remain and continue a valid debt, demand and tax against the owners of the lands and premises, and a valid tax on and against the lands, tenements and premises in front of or adjacent to which any such lateral or connecting sewer may have been constructed, and shall be collected in

the same manner in every particular as the other city taxes set down in and spread upon such tax rolls are collected.

SEC. 6. An ordinance of said city of Ann Arbor, relative to the construction and maintaining of a system of sewers, and the construction of a system of lateral and connecting sewers in the city of Ann Arbor, passed May twenty-first, eighteen hundred ninety-four, and approved May twenty-fourth, eighteen hundred ninety-four, be and the same is hereby declared to be in all things legal and valid forever after the date of the passage of this act. Ordinance legalized.

SEC. 7. The common council of the city of Ann Arbor is hereby authorized to provide by ordinance for the reassessment of all property contained in any lateral sewer district heretofore established, any assessment against which has been or hereafter may be set aside or held for naught by the supreme court or any other court of competent jurisdiction of the State of Michigan: *Provided*, That the assessment of said property shall be in accordance with the provisions of this act. Reassessments.

SEC. 8. The time for payment of all sewer taxes heretofore levied in the city of Ann Arbor, and not all paid, shall be deferred and be computed from and after the time when this act shall take effect. Certain tax deferred.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 279.]

AN ACT to change the name of William H. Linenger to William Henry Wagner.

The People of the State of Michigan enact:

SECTION 1. That the name of William H. Linenger, of Utica, Macomb county, Michigan, be and the same is hereby changed to William Henry Wagner. Name changed.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 280.]

AN ACT to provide for the submission to the qualified electors of the Township of Home, in the County of Montcalm, in the State of Michigan, the question of the relief of Charles E. Taylor, Treasurer of the Township of Home, in said county, from liability on account of the loss of township funds occasioned through the failure of the Edmore Exchange Bank.

The People of the State of Michigan enact:

Question submitted to electors.

SECTION 1. There shall be submitted to the qualified electors of the township of Home, in the County of Montcalm, State of Michigan, at the annual township meeting to be held in said township on the first Monday of April, eighteen hundred ninety-nine, the question of releasing Charles E. Taylor, treasurer of the said township, from liability on account of his loss of the funds of said township through the failure of the Edmore Exchange Bank, where the said funds were deposited; said relief to be determined as hereinafter provided.

How submitted.

SEC. 2. The township clerk of said township of Home shall cause at least ten days' notice to be given of the intended submission of said question in the same manner as is required by law to be given of said annual township meetings. Said township clerk shall cause to be printed on white paper and distributed at the polls at said township meeting, in sufficient numbers for the accommodation of all the electors of said township two sets of ballots of uniform size, color, and texture, and on the ballots of one set shall be printed the words: "For the relief, YES," and on the other set of ballots the words: "For the relief, NO." Said ballots voted at said township meeting shall be voted and deposited in a separate ballot box, and shall be cared for, inspected and counted in the same manner, as near as may be, as ballots relative to constitutional amendments are voted, deposited, cared for and counted.

Form of ballot.

Vote required.

SEC. 3. If it should appear from the final inspection and counting of said ballots that two-thirds of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted, and it shall be so certified by them to the township board of said township, within five days after said township meeting.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 281.]

AN ACT to revise the laws relating to the incorporation of the Public Schools of the City of Muskegon.

The People of the State of Michigan enact:

SECTION 1. That the City of Muskegon shall constitute one school district, the territorial limits whereof shall at all times conform to those of the city of Muskegon; that all public schools in said district shall be under the direction and control of the Board of Education hereinafter provided for and shall be free to all residents of said district of the age of five years and upwards: *Provided however,* That the Board of Education may admit to the kindergartens of said district, pupils of the age of four and one-half years if it shall deem best so to do. Such school district shall be a body corporate by the name and style of the "Public Schools of the city of Muskegon," and shall possess the usual powers of corporations for public purposes, and in that name may sue and be sued and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased or acquired by this act.

City one district.

Proviso.

SEC. 2. The Board of Education of said district shall consist of six trustees, whose several terms of office shall be three years and until their successors are elected and have qualified, and who shall be electors of said district, qualified to vote at annual elections therein. Two of said trustees shall be elected at the annual election in each year.

Board of education, how formed.

SEC. 3. The annual election under this act shall be held on the second Monday of July in each year at the Hackley School building, or at such other suitable and convenient place or places in said district as the Board of Education may designate.

Annual election, when and where held.

SEC. 4. The Board of Education shall cause notice of the annual election and of the time, place and object of holding the same to be given by publishing such notice in one or more of the newspapers published and circulating in the city of Muskegon and by posting a copy of said notice in some public place in each ward of said city at least ten days before the holding of said election.

Who to give notice.

SEC. 5. Special elections may be held under this act whenever the necessity therefor shall have been determined by a vote of a majority of all the trustees elect and in the same manner as near as may be as is herein provided for holding annual elections.

Special elections.

SEC. 6. At the meeting of the Board of Education next preceding the annual election or any special election to be held hereunder, it shall be the duty of said board to elect from its number two or more members who shall constitute a Board of Inspectors for the purpose of conducting such election.

Board of inspectors.

Appointment of clerk.

SEC. 7. Said Board of Inspectors shall, before the opening of the polls, appoint a suitable person or persons to act as clerk or clerks of the election, and said clerk or clerks so appointed shall take the constitutional oath of office, which oath either of said inspectors may administer, and the clerk or clerks so appointed shall receive two dollars each for services at said election, to be paid by the treasurer of said Board of Education.

Compensation.

Opening of polls.

SEC. 8. Said Board of Inspectors shall provide ballot boxes at the expense of said district and open the polls at three o'clock in the afternoon or as soon thereafter as may be on the day of any election held under the provisions of this act, and cause the same to be kept open until eight o'clock in the same afternoon.

Qualifications of electors.

SEC. 9. The qualifications of electors shall be the same as is or may be provided by the general school laws for school districts. Each elector offering to vote shall deliver his or her ballot to one of the inspectors, who shall deposit the same in the proper ballot box.

Challenges.

Oaths prescribed.

SEC. 10. If any person offering to vote at such election shall be challenged by any legal voter of said district as disqualified, one of the inspectors shall declare to the person so challenged the qualifications of the voter, and if such person shall state that he or she is qualified, and the challenge shall not be withdrawn, the said inspector shall tender him or her an oath or affirmation in substance as follows: "You do swear (or affirm) that you are twenty-one years of age, that you have been for the last three months an actual resident of this school district, and that you are liable to pay school district tax therein." Or he or she may take the following oath or affirmation, to-wit: "You do swear (or affirm) that you are twenty-one years of age, that for the last three months you have been an actual resident of this school district or residing upon territory now attached to the school district and that you are the parent or legal guardian or one or more children now included in the school census of this district," and any person taking either of said oaths or affirmations shall be permitted to vote at such election.

False oath.

SEC. 11. If any person so challenged shall refuse to take such oath or affirmation, his or her vote shall be rejected, and any person who shall wilfully take a false oath or make a false affirmation, under the provisions of the preceding section, shall be deemed guilty of perjury.

Election, how conducted.

SEC. 12. The clerk or clerks of the election shall keep a poll list which shall contain the names of all electors voting at said election. At the close of the polls the inspectors shall immediately proceed to canvass the votes and ascertain the result of the election, which canvass shall be published and the result thereof declared as in elections held under the general laws of this State. The clerk or clerks of said elections shall file a certificate of such election with the secretary of

said board, who shall at once notify the trustees elect of their election. Such trustees elect shall file with the secretary of the board an acceptance of the office in writing, within ten days after receiving such notice or be deemed to have declined the same. In case of declination, the board shall fill the vacancy by appointment, to hold until the next annual election.

Trustees elect
to file accept-
ance.

SEC. 13. Within ten days after the annual election, the several trustees shall meet and organize and for that purpose shall elect from their own number a president, a secretary and a treasurer, whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as modified by the provisions of this act or other acts relating to said district, and who shall hold office until their successors have been duly elected. The present trustees and officers of the public schools of the city of Muskegon shall continue to hold their offices for the same time and in the same manner as if this act had not been passed. Said board shall have the power to fill any and all vacancies that may occur in the membership thereof or in the offices appointed thereby until the next annual election in said district.

Organization of
board.

Present trust-
e- s, when term
expires.

SEC. 14. The Board of Education shall have the control and management of the property, interests and affairs of the district and of the schools organized or that may be organized therein. Said board shall meet from time to time, as it may determine, for the transaction of business, and it shall keep a record of all its proceedings. Said board may employ a clerk, whose compensation shall be paid from the contingent fund.

Shall have full
control.

Clerk, compen-
sation of.

SEC. 15. The Board of Education shall establish and maintain kindergartens, primary, graded, ungraded and high schools such as the public interest may require and in general do all things needful and desirable for the maintenance, prosperity and success of the schools in said district and for the promotion of the mental, moral, physical and industrial education and training of the children therein. Said board may admit non-residents and other persons to the privileges of the schools upon such terms as it may prescribe, so far as the same can be done without depriving those legally entitled thereto of any school privilege.

Shall establish
schools.

Non-residents.

SEC. 16. The Board of Education shall appoint and employ a superintendent and instructors for the public schools, and determine their salaries and define their duties. It shall prescribe the courses of study to be pursued, provide for the classification of pupils, determine what text-books shall be used, provide such material, apparatus, books and facilities for instruction as it may deem expedient and make all necessary regulations for the use of such material, books and apparatus. It shall make all regulations necessary or required for the examination of teachers, determine the length of time the schools shall be taught each year, prescribe rules for the regulation

Board to em-
ploy superin-
tendent, teach-
ers, etc.

Examination of
teachers, length
of school year,
etc.

and government of the schools and do whatever may be required to advance the interests of education in said district. Said board shall also have all the powers and privileges conferred upon school boards and upon qualified voters of school districts at any annual or special district meeting by the general school laws of this State not inconsistent with this act.

Hackley Training School.

Terms and conditions of admission.

Hackley Public Library.

Board may make rules, etc.

Board to secure sites and build schoolhouses.

Proviso as to cost of buildings.

SEC. 17. The Board of Education is authorized and empowered to maintain the "Hackley Manual Training School," founded and endowed by the Honorable Charles H. Hackley, for the free instruction of the boys and girls of the city of Muskegon, in such branches as are or may be taught in manual training schools of the best class, to establish courses of study and training therefor, to use the income provided therefor by the said Charles H. Hackley in the employment of suitable teachers, the providing of proper and suitable equipment and materials and in doing all that may be required for the proper maintenance of said school in accordance with the purposes and intentions of the founder thereof. The Board of Education shall prescribe the terms and conditions of admission to said school, fix the charges to be paid by the pupils for materials used by them and the rates of tuition to be paid by non-residents. The fund provided for the maintenance of said school shall be called the "Hackley Manual Training School Fund," and shall be kept separate and apart from other school funds.

SEC. 18. The Board of Education shall maintain a district library and reading room which shall be known as the "Hackley Public Library," and may each year raise in the manner hereinafter provided and apply for the purchase of books and other literature therefor in addition to the amount received on account of fines and forfeitures, such sum as may be deemed advisable, not exceeding in the aggregate one mill on the dollar of the taxable property in the city of Muskegon, as appears from the last preceding assessment roll. Said board shall also apply to the use of the "Hackley Public Library" the income provided therefor by the founder thereof, Charles H. Hackley. Said board may make all needful rules and regulations for the control and management of said library and reading room.

SEC. 19. The Board of Education shall have authority, and it shall be its duty, to designate and establish such number of sites for schoolhouses in the district as may be necessary, and to purchase and procure the lands therefor, by agreement or condemnation, in the manner provided by the general school laws of this State, and to erect and maintain thereon in proper repair convenient and suitable schoolhouses and buildings for the use of the public schools, and to provide furniture and appurtenances for such buildings and grounds: *Provided, however,* That said board shall not have the authority to erect any school building, the expense of which shall exceed fifteen thousand dollars, until the question of the propriety of the

erection of such building shall have first been submitted to the electors of said district and by them authorized at an annual or special district election. Said board may also lease lands and buildings for the use of the schools; and may sell and dispose of the lands and property of the district whenever no longer needed.

May lease
lands, etc.

SEC. 20. The Board of Education shall, within the time and in the manner provided by law, cause a census to be taken annually, of all the children between the ages of five and twenty years, inclusive, residing in the district, and report the same, and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school fund and library moneys. For the purpose of distribution of the primary school fund collected from fines and penalties, the city shall be considered the same as a township; and said board shall be entitled to receive from the county treasurer, or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city for primary schools and district libraries and all delinquent school taxes belonging to said district.

Annual school
census.

Primary school
fund and delin-
quent school
tax.

SEC. 21. The Board of Education shall have all the powers and perform all the duties of school inspectors of townships, within and for said city.

Powers and
duties of board

SEC. 22. On or before the fifth day of July in each year, the Board of Education shall make and publish, in one or more newspapers in said city, a statement of the number of schools under its charge, the number of teachers employed, the number of pupils instructed therein during the preceding year; also a statement of all the receipts and expenditures of the district for the preceding year ending June thirtieth, showing the items thereof, the sources of income, the amount of salaries paid to the teachers and employes, and to each of whom paid; the obligations incurred during the year, and the amount of indebtedness outstanding. Said board shall, at the same time publish the estimates required to be made, as in the next section mentioned, of the expenditures for grounds and buildings and support of the schools for the ensuing year, commencing on the first day of July of that year, and the items thereof.

Annual reports
published, what
contain.

SEC. 23. The Board of Education shall, in the month of June in each year, determine by resolution passed by a vote of a majority of all the members of said board, the sum or sums necessary or proper to be raised by taxation during the next school year, for any or all of the following purposes:

Annual esti-
mates, what
contain.

First, To lease and repair schoolhouses and their outhouses, grounds and appurtenances; to purchase, exchange, repair and improve school apparatus, books, fixtures, text-books for indigent pupils, chemicals and other supplies used in the public schools; to procure fuel and lights and to defray all other necessary or incidental expenses of said board and district, for salaries of clerk of board, superintendent of buildings, jan-

Contingent
fund.

- itor and other employees not herein otherwise provided for, the fund so provided to be termed the "contingent fund;"
- Teachers' fund.** Second, To pay the salaries and wages of the superintendent and teachers, after the application of the public moneys, which may be by law appropriated and provided for that purpose; the funds so provided to be termed the "teachers' fund;"
- Library fund.** Third, To purchase books and other literature for said "Hackley Public Library," as authorized by section eighteen of this act, to pay the salary of librarian and assistant and other incidental library expenses; the funds so provided, together with the funds arising from the endowment provided by the said Charles H. Hackley to be termed the "library fund;"
- Bond fund.** Fourth, For the payment of interest and indebtedness falling due; the fund so provided to be termed the "bond fund;"
- Improvement fund.** Fifth, For altering or improving schoolhouses, grounds and appurtenances, and for the purchase of grounds, and for the construction and furnishing of school buildings, the fund so provided to be termed the "permanent improvement fund;"
- Free text-book fund.** Sixth, For purchasing and supplying text-books in conformity with the provisions of act number one hundred forty-seven of the public acts of eighteen hundred eighty-nine, entitled "An act to regulate the uniformity of and to provide free school text-books in public schools throughout the State and the distribution of the same and to repeal all statutes and acts contravening the provisions of this act;" the fund so provided to be termed the "free text-book fund."
- Annual school levy limited.** SEC. 24. The amount so to be raised in any one year for the purchase of grounds and the erection, improvement and furnishing of buildings, shall not exceed one-half of one per cent, and the amount for the support of the schools and for all other purposes above mentioned, not including the bonded and other indebtedness of said district and interest thereon, the one mill tax and primary school fund and the tax for the support of the library and reading room as hereinbefore provided shall not exceed one per cent on the dollar of the taxable property in the city, as shown by the assessment roll of the preceding year. Said board shall, on or before the first Monday of July in each year, transmit a certificate of the total amount so estimated to the common council of the city of Muskegon, which amount so reported the said common council shall cause to be raised by tax on all the taxable property in the city with the general city taxes next thereafter to be raised and shall be paid in or collected by the city or county treasurer to the treasurer of said board.
- Annual estimate, when submitted.**
- Board may borrow for current expenses.** SEC. 25. For the payment of the current expenses, the Board of Education may borrow money from time to time in anticipation of the collection of taxes levied, or herein authorized to be levied for school purposes during the same year, such sum, not exceeding the tax and to be paid therefrom, as said board may deem expedient.

SEC. 26. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing sections, such sum, not exceeding one per cent of the taxable property in the city for the preceding year, may be raised by tax or loan, if authorized by a majority vote of the qualified electors of the school district, voting at any annual or special meeting appointed and called by the board for the purpose of voting thereon.

May increase taxation by popular vote.

SEC. 27. The Board of Education may refund or renew the obligations of the district on such terms and for such time as it may from time to time deem expedient.

Board may refund obligations.

SEC. 28. The treasurer of said district, before he shall enter upon the duties of his office, shall give a bond to the public schools of said city, in such sum and with such sureties as the Board of Education shall approve, and conditioned for the faithful discharge of the duties of his office, and to account for and pay over to his successor in office, or to any person designated by the Board of Education, all moneys that shall come into his hands by virtue of his office. Said treasurer shall have power, under the direction of the Board of Education, and in the name of the public schools of said city, to collect the moneys due said district from the city or county treasurers, or from tuition of pupils who are not actual residents of said district, or that may be due said district in any other manner whatever. All school and library moneys receivable from the county treasurer, and from the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to or paid out for any purpose except upon the written order of the president, countersigned by the secretary of the board. All funds of the district paid to its treasurer, or that shall come into his hands by virtue of his office, shall be deposited by him in such bank or banks within the city of Muskegon, designated by the Board of Education, as shall offer the highest rate of interest thereon and shall give security approved by the Board of Education for the safe keeping and repayment, upon proper warrants, as herein prescribed; all moneys so deposited shall at all times be subject to withdrawal on such warrants. The interest upon such deposits shall be paid into the contingent fund. The treasurer of said district shall not be liable for any loss occasioned by the default of such bank or banks while the funds are deposited therein.

Treasurer to give bond.

Power and duties.

Moneys, where deposited.

When not liable for loss.

SEC. 29. No member of the Board of Education shall receive any compensation. No member of the board shall be a party to or interested in any contract with the public schools.

Compensation.

SEC. 30. The public schools of the city of Muskegon, as aforesaid, by its Board of Education, shall have power to take, accept and hold any real or personal property by gift, bequest, or devise, for any purpose connected with the schools of said district or in the furtherance or aid of the educational interests of said city, or for the benefit of said "Hackley Public

Board may accept gifts or bequests to district.

Library” and reading room, or for the benefit of the said “Hackley Manual Training School.” Said gift, bequest, or devise may be made in perpetuity, or for any less time either directly to said public schools or to a trustee for its benefit; and said board shall use and appropriate the same for the purposes and use and in accordance with the stipulations and conditions mentioned in the instrument giving, granting or devising the same and for no other purpose.

Rights reserved.

SEC. 31. All property rights and privileges conferred upon the public schools of the city of Muskegon or the Board of Education thereof under the general laws of this State or by any prior act of incorporation, shall be enjoyed by said district and are hereby preserved and all duties and obligations imposed upon the public schools of the city of Muskegon or upon the Board of Education thereof, by the general laws of this State or by any prior act of incorporation, shall be discharged by said public schools of the city of Muskegon and said Board of Education except as herein otherwise provided; otherwise all acts relating to the incorporation of the public schools of the city of Muskegon are hereby repealed.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 282.]

AN ACT to vacate the township of Wheatfield, in the county of Montmorency, Michigan, and to incorporate the territory comprised therein in the township of Vienna, in the county of Montmorency, Michigan.

The People of the State of Michigan enact:

Township vacated.

SECTION 1. That the organization of the township of Wheatfield, in the county of Montmorency, be and the same is hereby vacated, and the territory thereof be and is hereby attached to the township of Vienna, in said county.

Rights of action, credits, etc.

SEC. 2. All rights of action, demands, credits, choses in action, and property of whatsoever name and nature now belonging to or existing in favor of said township of Wheatfield shall hereafter remain the demands, credits, rights of action and choses in action, and property of the township of Vienna.

Debts, demands, etc.

SEC. 3. All debts, demands and rights of action now existing against the township of Wheatfield shall be assumed by the said township of Vienna and shall hereafter become and remain the debts, demands and rights of action against the township of Vienna. It shall be the duty of the township officers of the township of Wheatfield to turn over to the officers of

Records, etc., how disposed of.

the township of Vienna, the same as if the officers of the township of Vienna were their successors in office, all funds, files and records held by them by virtue of their offices.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 283.]

AN ACT to vacate the townships of Blaine, Grove, Ball and Center Plains, in the county of Crawford, and to incorporate the territory comprised therein with the townships of Maple Forest, South Branch, Beaver Creek and Grayling, in said county.

The People of the State of Michigan enact:

SECTION 1. That the township of Blaine, composed of township twenty-seven north, of range one west, and township twenty-seven north, of range two west; the township of Grove composed of township twenty-six north, of range one west; and township twenty-six north of range two west; and the township of Ball composed of township twenty-five north, of range one west; and the township of Center Plains composed of township twenty-five north, of range three west, all in the county of Crawford, be and the same are hereby vacated. Townships vacated.

SEC. 2. Township twenty-seven north, of range one west, is hereby attached to and incorporated with the present township of Maple Forest; and township twenty-six north, of range one west; and township twenty-five north, of range one west, are hereby attached to and incorporated with the present township of South Branch; and township twenty-five north, of range three west, is hereby attached to and incorporated with the present township of Beaver Creek; and township twenty-six north, of range two west, and township twenty-seven north, of range two west, are hereby attached to and incorporated with the present township of Grayling. Township attached.

SEC. 3. All rights of action, demands, credits, choses in action and property of whatsoever name or nature, except uncollected and delinquent taxes now belonging to or existing in favor of said township of Blaine herein vacated, shall hereafter remain the credits, demands, rights of action and property of the townships of Grayling and Maple Forest, share and share alike, and all rights of action, demands, credits, choses in action and property of whatsoever name or nature, except uncollected and delinquent taxes now belonging to or existing in favor of said township of Grove herein vacated shall hereafter remain the credits, demands, rights of action and property of the townships of Grayling and South Branch, Properties transferred.

share and share alike; and all rights of action, demands, credits, choses in action and property of whatsoever name or nature now belonging to or existing in favor of said township of Ball herein vacated, shall hereafter remain the credits, demands, rights of action and property of the township of South Branch and all rights of action, demands, credits, choses in action and property of whatsoever name or nature now belonging to or existing in favor of said township of Cedar Plains herein vacated, shall hereafter remain the credits, demands, rights of action and property of the township of Beaver Creek.

Funds, records,
files, etc., how
disposed of.

SEC. 4. It shall be the duty of the township officers of the township of Blaine herein vacated, to turn over to the proper officers of the township of Maple Forest all funds, files, records, papers in their possession and held by them respectively by virtue of their several offices the same as though the said officers of the township of Maple Forest were their successors in office; it shall be the duty of the township officers of the township of Grove herein vacated, to turn over to the proper officers of the township of Grayling all funds, files, records and papers in their possession and held by them respectively by virtue of their several offices the same as though the said officers of the township of Grayling were their successors in office; it shall be the duty of the township officers of the township of Ball herein vacated, to turn over to the proper officers of the township of South Branch all funds, files, records and papers in their possession and held by them respectively by virtue of their several offices the same as though the said officers of the township of South Branch were their successors in office; it shall be the duty of the township officers of the township of Center Plains herein vacated, to turn over to the proper officers of the township of Beaver Creek all funds, files, records and papers in their possession and held by them respectively by virtue of their several offices the same as though the said officers of the township of Beaver Creek were their successors in office.

Debts, de-
mands, etc.,
how borne and
liquidated.

SEC. 5. All debts, demands and rights of action now existing against the township of Blaine herein vacated, shall be borne and liquidated, share and share alike, by the townships of Maple Forest and Grayling and all debts, demands, and rights of action now existing against the township of Grove herein vacated, shall be borne and liquidated, share and share alike, by the townships of Grayling and South Branch, and all debts, demands and rights of action now existing against the township of Ball herein vacated, shall be borne and liquidated by the township of South Branch and all debts, demands, and rights of action now existing against the township of Center Plains herein vacated, shall be borne and liquidated by the township of Beaver Creek.

Uncollected
and delinquent
taxes, where
paid.

SEC. 6. All uncollected and delinquent taxes in township twenty-six north, of range two west, and township twenty-seven north, of range two west, shall belong to and shall be

paid into the township of Grayling. All uncollected and delinquent taxes in township twenty-six north, of range one west, shall belong to and shall be paid into the township of South Branch. All uncollected and delinquent taxes in township twenty-seven north, of range one west, shall belong to and shall be paid into the township of Maple Forest.

SEC. 7. The township of Grayling and the township of Maple Forest shall, within three months after the passage of this act, meet to determine and divide the amount of credits and other assets as provided in section three of this act of the township of Blaine, and also determine the amount of indebtedness, if any, of the said township of Blaine and provide for the payment thereof as provided for in section three of this act. Said meeting shall be called by the supervisor of the said township of Grayling, who shall give at least five days' notice of such meeting to the township boards of said townships.

When townships to determine and divide credits, etc.

SEC. 8. The township of Grayling and the township of South Branch shall, within three months after the passage of this act, meet to determine and divide the amount of credits and other assets as provided in section three of this act of the township of Grove, and also determine the amount of indebtedness, if any, of the said township of Grove and provide for the payment thereof as provided for in section three of this act. Said meeting shall be called by the supervisor of the said township of South Branch, who shall give at least five days' notice of such meeting to the township boards of such townships.

Idem.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 284.]

AN ACT to detach certain territory from the City of West Bay City in the County of Bay, and attach the same to the Township of Bangor in said County.

The People of the State of Michigan enact:

SECTION 1. That on the first day of April, A. D. nineteen hundred one, the territory commencing at the corner of sections ten, eleven, fourteen and fifteen, township fourteen north, of range five east, running thence southerly along the section line between sections fourteen and fifteen to the southeast corner of the northeast quarter of said section fifteen, to the north and south quarter section line in said section fifteen, thence southerly on said quarter section line to the center line of a highway known as Prairie avenue, if extended accord-

Territory detached.

ing to plat of Riverside Park subdivision; thence south seventy-four degrees west, along the center of said Prairie avenue, to a point which is north sixty-one degrees fourteen minutes east, five hundred and nineteen feet distant from the quarter section post between sections fifteen and sixteen, township aforesaid; thence south one degree east, along the center line of Roy street seven hundred and forty feet to the bank of Saginaw river; thence south thirteen degrees fifty minutes east, to the center of said river; thence down stream along the center of said river to the intersection of the section line between sections eleven and fourteen with said center line of said Saginaw river; thence westerly along said section line to the place of beginning, being all in township fourteen north of range five east, Bay county, and now forming a part of the said city of West Bay City, shall be and the same become detached from the said city of West Bay City and attached to and become a part of the township of Bangor, Bay county, aforesaid.

This act is ordered to take immediate effect.

Approved February 16, 1899.

[No. 285.]

AN ACT to change the name of Ale Buursma to Ale Bursma.

The People of the State of Michigan enact:

Name changed. SECTION 1. That the name of Ale Buursma of Grand Rapids, Kent County, Michigan, be and the same is hereby changed to Ale Bursma.

This act is ordered to take immediate effect.

Approved February 21, 1899.

[No. 286.]

AN ACT to provide an additional voting precinct in the Township of Holmes, county of Menominee, to be known as voting precinct number three.

The People of the State of Michigan enact:

Boundaries of precinct.

SECTION 1. That the following described territory now embraced in the township of Holmes, in the county of Menominee, to-wit: West half of town thirty-seven north, range twenty-seven west; all of town thirty-seven north, range twenty-eight west; sections one, two, three, four, five, six, seven, eight, nine.

ten, eleven and twelve of town thirty-six north, range twenty-eight west; and sections four, five and six of town thirty-six north, range twenty-seven west, shall constitute and be denominated as election precinct number three of said township.

SEC. 2. Ten days notice of the creation of election precinct number three shall be given by the board of inspectors of election hereinafter named, by posting written or printed notices of the same as required by law previous to holding the first election therein. Notice of election in new precinct.

SEC. 3. The following named persons, to-wit: J. S. Nelson, Michael Thiesen and George R. Garlow, the same being qualified electors of the township of Holmes, and residing within the territory embraced by election precinct number three, shall constitute the board of inspectors of election in said precinct at the first election held therein. Inspectors of election named.

SEC. 4. All qualified electors residing in election precinct number three as thus defined, shall cast their ballots at such a place within said precinct as the board of inspectors of election of said precinct shall determine as the polling place of said precinct number three. Qualified electors, where to vote.

SEC. 5. There shall be a new registration of all the qualified electors residing within the territory of said precinct previous to the first election held therein. The township board of said township shall provide at the expense of said township a suitable register for such registration, in which shall be registered the names of the qualified electors residing in precinct number three, in the manner provided by law. New registration.

SEC. 6. The inspectors of election provided for by section three of this act shall also constitute the board of registration in said precinct, and said board shall have and exercise the same power in respect to registering electors on election day as is conferred upon inspectors of election by existing laws, as well as all other powers conferred upon boards of inspectors of election, under the general laws. Inspectors to constitute registration board.

This act is ordered to take immediate effect.

Approved February 24, 1899. Laws to govern.

[No. 287.]

AN ACT to provide for two voting precincts in the Township of Sault Ste. Marie, in the county of Chippewa, and the conduct of elections thereat.

The People of the State of Michigan enact:

SECTION 1. That there shall be two voting places for the conduct of township meetings, and general and special elec- Number of voting places.

tions in the township of Sault Ste. Marie, in the county of Chippewa.

Boundaries described.

SEC. 2. The following described territory, to-wit: All of the township of Sault Ste. Marie in township forty-seven north, of range one east; all of township of Sault Ste. Marie in township forty-seven north, of range one west; the north four tiers of sections in township forty-five north, of range six west; otherwise described as sections from one to twenty-four, both inclusive, in township forty-five north, of range six west; and township forty-five north, of range seven west, shall constitute voting precinct number one, and all of Neebish island in township forty-five north, of range two east; all of Neebish island in township forty-four north, of range two east; entire fractional township forty-five north, of range three east; and all of Sault Ste. Marie township in township forty-four north, of range two east, shall constitute voting precinct number two. The voting place for precinct number one shall be at the town hall for the township of Sault Ste. Marie, and the voting place for precinct number two shall be at the school house in district number four, or such other place as the township board of said township may direct.

Election inspectors named.

SEC. 3. The present township officers who are authorized by law to conduct elections shall attend to and conduct the elections for precinct number one, and Andrew J. Wickman, Heman Miller, George Cook and William Perry shall be inspectors of the first election to be holden in precinct number two. Andrew J. Wickman, Heman Miller and William Perry shall constitute the first board of registration for precinct number two.

Notice of division.

SEC. 4. Ten days prior to the annual township meeting in eighteen hundred ninety-nine, the clerk of said township of Sault Ste. Marie shall give public notice of the division of the said township into two voting precincts by posting notices thereof, written or printed, in the same manner as provided by law for notices for the first election in newly organized townships.

Township board to fix polling places.

SEC. 5. The township board of the township of Sault Ste. Marie shall designate by written or printed notices, duly posted, the particular places or buildings at which the election shall be held in each of the precincts into which the said township of Sault Ste. Marie is divided by this act.

New registration ordered.

SEC. 6. There shall be an entire new registration of all of the voters of said township of Sault Ste. Marie prior to the next annual township meeting held therein.

Board to provide registration books.

SEC. 7. The township board of said township shall provide, at the expense of said township, two books in which to register the qualified voters of said township, one of which shall be used for voting precinct number one, and the other for voting precinct number two, and in which shall be registered the names of the qualified voters of the respective precincts as provided by law.

SEC. 8. The boards of registration shall meet at the places fixed by this act for holding elections in the respective precincts on the two Saturdays next preceding the next township meeting, and thereafter shall hold meetings as provided by law at all general and special elections of said township. The board of inspectors of elections in each precinct shall have and exercise the same power in respect to registering voters on election day in their respective precincts as is conferred upon inspectors of elections by existing laws.

Meeting of
boards of regis-
tration.

Powers of.

SEC. 9. The elections hereafter to be held in the two precincts into which the township of Sault Ste. Marie is hereby divided shall be conducted and the votes thereat canvassed and the returns made in accordance with the provisions of act number two hundred fifty-seven, session laws of eighteen hundred seventy-seven, as amended by the several acts amendatory thereof.

Future elec-
tions.

This act is ordered to take immediate effect.

Approved February 24, 1899.

[No. 288.]

AN ACT to authorize the Board of Supervisors of Roscommon county, State of Michigan, to issue not to exceed ten thousand dollars of bonds for the purpose of paying matured orders and existing indebtedness.

The People of the State of Michigan enact:

SECTION 1. That it shall be lawful for the Board of Supervisors of Roscommon county to issue the bonds of Roscommon county to an amount not exceeding the sum of ten thousand dollars for the purpose of paying existing matured orders and indebtedness.

Bond issue.

SEC. 2. Said bonds shall be of such denomination as the Board of Supervisors shall direct, and shall be issued for a period not to exceed thirty years, and shall bear interest at a rate not to exceed six per cent per annum.

Denomination,
rate of interest
etc.

This act is ordered to take immediate effect.

Approved February 24, 1899.

[No. 289.]

AN ACT to change the name of Eva Louise Davies, of Detroit, Wayne county, Michigan, to Eva Louise Littell.

The People of the State of Michigan enact:

Name changed. SECTION 1. That the name of Eva Louise Davies, of the city of Detroit, Wayne county, Michigan, be and the same is hereby changed to Eva Louise Littell.

This act is ordered to take immediate effect.

Approved March 2, 1899.

[No. 290.]

AN ACT to legalize the action of the Board of Supervisors of Saginaw county in detaching certain territory from the Township of Zilwaukie, and attaching the same to the township of Buena Vista, in said county.

The People of the State of Michigan enact:

Action of supervisors legalized

SECTION 1. The action of the board of supervisors of Saginaw county taken and had at the January, eighteen hundred ninety-one, session of said board, in detaching from the township of Zilwaukie, in said county, sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and thirty-four, of town thirteen north, range five east, and attaching said sections to the township of Buena Vista, in said Saginaw county, be and the same is hereby declared legal and valid in all respects.

This act is ordered to take immediate effect.

Approved March 2, 1899.

[No. 291.]

AN ACT to provide for the submission to the qualified electors, of the Township of Broomfield, in the county of Isabella, State of Michigan, the question of the relief of Henry D. Wright, treasurer of the Township of Broomfield, in said county, from liability on account of the loss of township funds occasioned through the failure of the Peoples Savings Bank of Mt. Pleasant.

The People of the State of Michigan enact:

Question submitted to electors.

SECTION 1. There shall be submitted to the qualified electors of the township of Broomfield, in the county of Isabella, State of Michigan, at the annual township meeting to be held in said township on the first Monday of April, eighteen hun-

dred ninety-nine, the question of releasing Henry D. Wright, treasurer of the said township, from liability on account of his loss of the funds of said township through the failure of the Peoples Savings Bank of Mt. Pleasant, where the said funds were deposited; said relief to be determined as hereinafter provided.

SEC. 2. The township clerk of said township of Broomfield shall cause at least ten days notice to be given of the intended submission of said question in the same manner as is required by law to be given of said annual township meetings; said township clerk shall cause to be printed on white paper and distributed at the polls at said township meeting, in sufficient numbers for the accommodation of all the electors of said township, two sets of ballots of uniform size, color and texture, and on the ballots of one set shall be printed the words: "FOR THE RELIEF, YES," and on the other set of ballots the words: "FOR THE RELIEF, NO." Said ballots voted at said township meeting shall be voted and deposited in a separate ballot box, and shall be cared for, inspected and counted in the same manner, as near as may be, as ballots relative to constitutional amendments are voted, deposited, cared for and counted.

Clerk to give notice.

Form of ballot.

SEC. 3. If it should appear from the final inspection and counting of said ballots that two-thirds of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted, and it shall be so certified by them to the township board of said township, within five days after said meeting.

Vote required.

This act is ordered to take immediate effect.

Approved March 2, 1899.

[No. 292.]

AN ACT to provide for the submission to the qualified electors of the Township of Deerfield, in the county of Isabella, in the State of Michigan, the question of the relief of Alvah D. Weston, treasurer of the Township of Deerfield, in said county, from liability on account of the loss of township funds occasioned through the failure of the Peoples Savings Bank of Mt. Pleasant.

The People of the State of Michigan enact:

SECTION 1. There shall be submitted to the qualified electors of the township of Deerfield, in the county of Isabella, State of Michigan, at the annual township meeting to be held in said township on the first Monday of April, eighteen hun-

Question submitted to electors.

dred ninety-nine, the question of releasing Alvah D. Weston, treasurer of same township, from liability on account of his loss of the funds of said township through the failure of the Peoples Savings Bank of Mt. Pleasant, where the said funds were deposited; said relief to be determined as hereinafter provided.

Clerk to give notice.

SEC. 2. The township clerk of said township of Deerfield shall cause at least ten days notice to be given of the intended submission of said question in the same manner as is required by law to be given of said annual township meetings; said clerk shall cause to be printed on write paper and distributed at the polls at said township meeting, in sufficient numbers for the accommodation of all the electors of said township, two sets of ballots of uniform size, color and texture, and on the ballots of one set shall be printed the words: "FOR THE RELIEF, YES," and the other set of ballots the words: "FOR THE RELIEF, NO." Said ballots voted at said township meeting shall be voted and deposited in a separate ballot box, inspected and counted in the same manner, as near as may be, as ballots relative to constitutional amendments are voted, deposited, cared for and counted.

Form of ballot.

Vote required.

SEC. 3. If it should appear from the final inspection and counting of said ballots that two-thirds of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted, and it shall be so certified by them to the township board of said township, within five days after said township meeting.

This act is ordered to take immediate effect.

Approved March 2, 1899.

[No. 293.]

AN ACT to provide for the submission to the qualified electors of the Township of Nottawa, in the county of Isabella, in the State of Michigan, the question of the relief of Charles A. Hibbreln, treasurer of the Township of Nottawa, in said county, from liability on account of the loss of township funds through the failure of the Peoples Savings Bank of Mt. Pleasant.

The People of the State of Michigan enact:

Questions submitted to electors.

SECTION 1. That there shall be submitted to the qualified electors of the township of Nottawa, in the county of Isabella, State of Michigan, at the annual township meeting to be held in said township on the first Monday of April, eighteen hundred ninety-five, the question of releasing Charles A. Hibbreln,

treasurer of the said township, from liability through the failure of the Peoples Savings Bank of Mt. Pleasant, where the said funds were deposited; said relief to be determined as hereinafter provided.

SEC. 2. The township clerk of said township of Nottawa shall cause at least ten days notice to be given of the intended submission of said question in the same manner as is required by law to be given of said annual township meetings. Said township clerk shall cause to be printed on white paper and distributed at the polls at said township meeting, in sufficient numbers for the accommodation of all the electors of said township, two sets of ballots on one set shall be printed the words: "FOR THE RELIEF, YES," and on the other set of ballots the words: "FOR THE RELIEF, NO." Said ballots voted at said township meeting shall be voted and deposited in a separate ballot box, and shall be cared for, inspected and counted in the same manner, as near as may be, as ballots relative to constitutional amendments are voted, deposited, cared for and counted.

Clerk to give notice.

Form of ballot.

SEC. 3. If it should appear from the final inspection and counting of said ballots that two-thirds of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted, and it shall be so certified by them to the township board of said township, within five days after said township meeting.

Vote required.

This act is ordered to take immediate effect.

Approved March 2, 1899.

[No. 294.]

AN ACT to incorporate the public schools of the Township of Matchwood, in the county of Ontonagon.

The People of the State of Michigan enact:

SECTION 1. That the territory embraced in the township of Matchwood, in the county of Ontonagon, be and the same is hereby organized, enacted and declared to be a single school district, which shall be a body corporate by the name and style of the "public schools of the township of Matchwood," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of the State relative to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon union school districts by the laws of this State, all the general provisions of which, relating to common or primary schools, shall ap-

District organized.

Name.

	ply and be enforced in said district, except such as shall be inconsistent with the provisions of this act, and all schools organized in said district in pursuance of this act, under the direction and regulation of said board of education, shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years inclusive, and to such other persons as the board of education shall admit: <i>Provided</i> , That whenever the majority of the electors in any surveyed township in said township of Matchwood shall petition the said board of education to establish a school district therein, the said board of education are hereby authorized and directed within three months thereafter to set apart and organize the same as a separate school district.
Proviso.	
Board of education, how chosen	SEC. 2. The officers of said district shall consist of two trustees, who, together with the clerk and school inspectors of said township shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township of Matchwood, upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: <i>Provided</i> , That at the annual election to be held in said township in the year eighteen hundred and ninety-nine, there shall be elected two trustees for said district by the electors thereof, one of whom shall hold his office for the term of one year, and the other for the term of two years, and until their successors shall be elected and qualified and the time for which the person voted for shall be elected shall be designated on the ballot, and at each election thereafter to be held, one trustee shall be elected in said district, who shall hold his office for the term of two years, and until his successor shall be elected and qualified, said trustee to be designated on the ticket or ballot: "For Member of Board of Education."
Proviso.	
Term of office.	
Notice of election.	SEC. 3. Within five days after the annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected, shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to administer oaths, and file the same with the township clerk. The term of office of the trustees of said district shall commence on the second Monday following the annual township election at which they are elected.
When term begins.	
Organization of board.	SEC. 4. The members of the board of education shall meet on the third Monday of April of each year, at the office of the township clerk, and organize. The school inspector of the township whose term of office will soonest expire shall be president of the board and shall be entitled to vote in all cases. In the absence of the president at any meeting a majority of the members present may choose one of their own number president pro tem. The township clerk of said township of Matchwood shall be ex-officio clerk of said board of education, and shall be entitled to vote thereon, and in case of the ab-

sence of said clerk, the board may choose some suitable person to perform his duties. Said board shall on said third Monday of April in each year elect from their own number a treasurer, who shall hold his office for one year and until his successor is elected and qualified, and may at any time fill a vacancy in the office of treasurer: *Provided*, That the person appointed to fill a vacancy in the office of treasurer shall only hold the office for the unexpired term. The treasurer of the said board shall, within five days after his appointment as such treasurer, file with the clerk of said board the constitutional oath of office and give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.

Proviso.

SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said board his oath of office within five days after such appointment by the board.

May fill vacancies.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be held on the third Monday of April, August, December and March in each year, and no notice of such meeting shall be required, and any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on request of the president, or any two members thereof in writing delivered to the clerk; and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All the meetings of said board shall be held at the township clerk's office, unless otherwise ordered by resolution of the board; and all records and papers of said district shall be kept in the custody of said clerk, and shall be open to the inspection of any tax-payer of said district.

Majority a quorum; regular meetings.

Special meetings.

Place of meeting.

SEC. 7. The said board shall be the board of school inspectors for said district, and shall, as such, report to the clerk of the county of Ontonagon, and shall have all the powers and perform all the duties now enjoined upon and performed by the board of school inspectors of the township of Matchwood, and the president of said board shall perform all the duties now performed by the chairman of the board of school in-

Board of school inspectors.

Board abolished.

spectors of Matchwood township. And the board of school inspectors is hereby abolished except as its powers are vested in said board of education.

Board of education, powers and duties of.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years inclusive and to make all necessary reports and transmit the same to the proper officers as designated by law so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools, relative to the length of time schools shall be kept, which shall not be less than three months in each year, relative to the employment of teachers duly and legally qualified, relative to the regulation of schools and the books to be used therein: *Provided*, Their acts are not in conflict with any general law relative to text-books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of a thorough education of the children thereof. It shall be the duty of said board to apply for and receive from the county treasurer or other officer holding the same, all moneys appropriated for primary schools and district library of said district.

Proviso.

Money raised by tax.

SEC. 9. At each annual township meeting held in said township of Matchwood the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: *Provided*, That in case the electors at any annual township meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of Matchwood township, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and for erecting schoolhouses no greater sum than five mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.

Proviso.

Proviso.

School tax set forth on roll.

SEC. 10. All taxes assessed within said township of Matchwood for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Board custodian of school funds.

SEC. 11. The treasurer of the township of Matchwood shall, at any time, at the written request of said board of education report to said clerk the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, tak-

ing his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board.

SEC. 12. The said board shall annually, on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of the said township of Matchwood at their annual meeting on the first Monday of April thereafter, at the hour of twelve o'clock noon.

Annual report;
what to con-
tain.

SEC. 13. All school property, both real and personal, within the limits of the township of Matchwood shall, by force of this act, become the property of the public schools of the township of Matchwood hereby organized, and all debts and liabilities of the primary school district of said township of Matchwood as they existed prior to the taking effect of this act shall become the debts and liabilities of said public schools of the township of Matchwood.

Primary school
property, how
disposed of.

SEC. 14. All money raised or being raised by tax, or accrued or accruing to the school districts of said township, as organized under the primary school laws of this State, or otherwise, shall hereby become the money of the public schools of the township of Matchwood, and no tax now ordered assessed or levied for school purposes in said township, or other proceedings shall be invalidated or affected by means of this act.

Idem.

SEC. 15. The compensation of the members of the board of education shall be one dollar and fifty cents each for each day's actual service rendered for said district and the clerk and treasurer of said board shall receive such compensation for their services as the board may determine, not exceeding fifty dollars each per annum.

Compensation
of board.

SEC. 16. When the township district hereby incorporated shall be divided into two or more townships the existing board of trustees shall continue to act for all the townships until the same has been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When the township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of th-

Division of
township.

How assets and
liabilities di-
vided.

Proviso.

townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township: *Provided*, That whenever any surveyed township in the present organized township of Matchwood, is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State relative to public instruction and primary schools.

This act is ordered to take immediate effect.

Approved March 7, 1899.

[No. 295.]

AN ACT to legalize certain bonds issued by the City of Gladstone for the construction of Water Works.

The People of the State of Michigan enact:

Bond issue
legalized and
confirmed.

SECTION 1. That the water works bonds issued by the city of Gladstone, Delta county, Michigan, aggregating the sum of thirty-five thousand dollars, in denominations of one thousand dollars each, numbered from one to thirty-five inclusive, bearing date the first day of April, in the year one thousand eight hundred and eighty-nine, due and payable on the first day of April, in the year one thousand nine hundred and nine, or redeemable at the pleasure of the city at any time after the first day of April, in the year one thousand eight hundred ninety nine, bearing interest at the rate of six per cent per annum from date thereof until paid and payable semi-annually, the issue of which bonds was authorized by a vote of the qualified electors of the village (now city) of Gladstone, at an election duly called and held on the fourth day of September, in the year one thousand eight hundred eighty-eight, a resolution of the council of said village, passed and adopted on the twenty-seventh day of September in the year one thousand eight hundred and eighty-eight, and an ordinance of the city of Gladstone passed March twenty-fifth, in the year one thousand eight hundred and eighty-nine, together with the proceedings of said city council of said city, relating to said issue of bonds are hereby legalized and the said bonds shall be held to be and are hereby made valid and binding obligations of said city of Gladstone.

This act is ordered to take immediate effect.

Approved March 7, 1899.

[No. 296.]

AN ACT to authorize the City of Gladstone in the County of Delta, to raise money to redeem or refund bonds to the amount of thirty-five thousand dollars, issued for the construction of Water Works.

The People of the State of Michigan enact:

SECTION 1. That the city council of the city of Gladstone, Bond issue. in the county of Delta, shall be and is hereby authorized and empowered to borrow money on the faith and credit of the said city and issue bonds therefor to an amount not exceeding thirty-five thousand dollars which shall be expended for the purpose of redeeming or refunding bonds to the amount of thirty-five thousand dollars issued on the first day of April, in the year one thousand eight hundred and eighty-nine, due in twenty years and redeemable at any time after the first day of April, eighteen hundred and ninety-nine. Said bonds last aforesaid having been issued for the purpose of constructing a system of water-works.

SEC. 2. Said bonds authorized to be issued by this act shall be of such denomination as the city council shall direct and shall be issued for a period of not exceeding twenty years and shall bear interest at a rate not to exceed five per cent per annum, interest payable annually or semi-annually as the city council shall determine. Said bonds shall not be sold at less than their par value. Denomination, rate of interest, etc.

This act is ordered to take immediate effect.

Approved March 7, 1899.

[No. 297.]

AN ACT to vacate the Village of Ewen, in the County of Ontonagon.

The People of the State of Michigan enact:

SECTION 1. That the village of Ewen, in the county of Ontonagon, be and the same is hereby vacated, and the organization thereof dissolved and repealed. Charter repealed.

SEC. 2. All the territory now embraced in the said village of Ewen, and all property of every kind and nature whatsoever shall become a part and the property of the township of McMillan, in said county, and the board of the said township of McMillan is hereby authorized to keep, and in its discretion to maintain, for public or private use and fire protection, the water-works system of the said village, at the expense of said Territory attached.

township, and to provide for the payment of the cost therefor, from the general fund of said township.

Assets and liabilities transferred to township.

SEC. 3. All rights of action which may have accrued to said village of Ewen as heretofore incorporated shall survive and belong to, and may be enforced and disposed of by the township of McMillan, and all moneys, accounts and indebtedness of every kind or nature whatsoever, which are due and payable, or which may hereafter become due and payable to said village are hereby made due and payable to the said township of McMillan, and the board of said township is hereby authorized to demand and collect the same and receipt therefor; and all lawful debts, accounts and liabilities now due and payable by, or which may hereafter become due and payable by the said village shall be audited and paid by the said township; all moneys, books, papers, files, plats, records and other personal property belonging to said village shall be deposited in the office of the clerk of the said township of McMillan.

Act repealed.

SEC. 4. Act number three hundred eighty-seven, of the local acts of eighteen hundred ninety-five, entitled "An act to incorporate the village of Ewen, in the county of Ontonagon." is hereby repealed.

This act is ordered to take immediate effect.

Approved March 7, 1899.

[No. 298.]

AN ACT to legalize certain bonds of the Township of Brooks, in Newaygo County.

The People of the State of Michigan enact:

Bonds legalized.

SECTION 1. That all proceedings had and taken by the township board of the township of Brooks, in Newaygo county, in respect to the issue of the bonds of said township, the same being six bonds of one thousand dollars each, all issued August first, one thousand eight hundred and ninety-eight; the first bond of one thousand dollars which becomes due March first, one thousand nine hundred and two; one bond of one thousand dollars which becomes due March first, one thousand nine hundred and three; one bond of one thousand dollars which becomes due March first, one thousand nine hundred and four; one bond of one thousand dollars which becomes due March first, one thousand nine hundred and five; one bond of one thousand dollars which becomes due March first, one thousand nine hundred and six; one bond of one thousand dollars which becomes due March first, one thousand nine hundred and seven, are hereby legalized and the said bonds are declared to be the

Bonds, when due.

binding obligation of the said township of Brooks, anything in the laws heretofore passed by the legislature of this State to the contrary notwithstanding.

This act is ordered to take immediate effect.

Approved March 7, 1899.

[No. 299.]

AN ACT to Provide for a Board of Public Works for the Township of Springwells in the County of Wayne and to Define the Duties and Powers thereof.

The People of the State of Michigan enact:

SECTION 1. There shall be created and constituted in the township of Springwells, in the county of Wayne, a board of public works which shall be composed of the supervisor of said township who shall be the president of such board, the justice of the peace whose term of office shall soonest expire, the township clerk, who shall be the clerk of such board and who shall perform all clerical work required by such board and shall have charge of all books, records and papers; and in addition thereto as members of such board. There shall be appointed by the township board of said township in the year eighteen hundred ninety-nine, two resident taxpayers of said township, one of whom shall be appointed from that portion of said township lying north of the main line of the Michigan Central Railroad track, who shall serve for a period of two years or until his successor shall be elected as hereinafter provided and one of said members to be appointed from that portion of said township lying south of said main line of the Michigan Central Railroad track and north of the village of Delray to serve for the period of one year or until his successor shall be elected as hereinafter provided. Upon the expiration of the term of such members so appointed there shall be elected at such annual township meeting thereafter their successors who shall qualify and serve for a period of two years or until their successors shall be elected and qualified and each of said two members thus appointed or elected and serving as members of such board of public works shall receive an annual salary of fifty dollars to be paid out of the general fund of said township.

Board of public works.

Who to compose.

When successors elected.

SEC. 2. It shall be the duty of the highway commissioner to perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, water mains, water pipes, drains, culverts, sewers, public grounds, and parks within said township, as

Duty of highway commissioner.

the board of public works shall direct to be done by or under their supervision; and to oversee and do whatever may be required of him in relation thereto by the said board of public works.

Report, what to contain.

SEC. 3. He shall make a report to the board of public works on oath and in writing at the first regular meeting of such board in each month, giving an exact statement of all labor performed by him, under his supervision, and the charges thereof, and the street or place where such material was used or labor performed; and further showing the items and purposes of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath as aforesaid and audited and ordered paid by said board of public works.

When to make statement of moneys required.

SEC. 4. On or before the first day of June in each year, such board shall prepare and submit to the township board of such township, a statement of the moneys required for the various purposes herein set forth, together with the recommendation signed by a majority of the members of such board of public works, recommending to the township board that sums of money be spread on the assessment roll of such township for the ensuing year, for the purposes set forth in such statement; whereupon the township board shall order such sums spread upon the assessment roll and which shall be spread thereon by the supervisor: *Provided*, That such assessment shall not exceed one-half of one per cent of the assessed valuation of said township.

Proviso.

Procedure in making special improvements, etc.

SEC. 5. Upon petition signed by a majority of the resident tax payers owning property in the territory which is benefited and such territory to be defined and determined by such board after a full hearing upon the merits thereof at a meeting of such board held for that purpose, notice of which meeting shall be given at least three weeks before the time thereof by posting at least three notices in writing in three conspicuous places in said territory and an affidavit shall be made and filed with the clerk of said board by the person posting the same, which affidavit shall state the time, place and manner of the posting of such notices. Such board shall have power to make special improvements in said territory of said township and levy special assessments therefor.

Notice of filing of assessment roll.

SEC. 6. When such special assessment district shall have been determined and the assessment for the improvement therein made and before the adoption of the same, the board of public works shall give notice of the filing of the same with the clerk, by posting a notice in three public places in the assessment district created and designating a place and time when and where the board of review of the township shall meet to review the same. At the time appointed for such purpose the board of review shall meet and then or at some adjourned meeting thereof review the assessments and hear any objection

Assessment, who to review.

thereto and said board shall correct the same if necessary, and confirm it as reported or as corrected, or they may refer the assessment back to the board for revision or annul it and direct a new assessment in which case the same proceeding shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the clerk shall endorse a certificate showing the date of confirmation.

SEC. 7. When any special assessment shall be confirmed by the board of public works, it shall be final and conclusive.

When special assessment to be final.

SEC. 8. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

Special assessment to constitute a lien.

SEC. 9. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the board of public works may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary the excess shall be refunded ratably to those by whom it was paid.

Additional pro rata assessment.

SEC. 10. Whenever any special assessment shall, in the opinion of the board of public works, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the board of public works shall, whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessments and for the collection thereof shall be conducted in the same manner as provided for the original assessment and whenever any sum or any part thereof levied upon any premises in the assessment so set aside have been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

Procedure when special assessment invalid.

SEC. 11. When any special assessment shall be confirmed and be payable as hereinbefore provided, the board of public works may direct the assessment so made in the special assessment roll to be collected; and thereupon the clerk of the board shall attach his warrant to a certified copy of said special assessment roll, therein commanding the township treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such persons and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

Collection of special assessment.

Clerk to attach warrant.

Distress and sale of goods

How treasurer
to proceed in
collection of
special assess-
ment.

SEC. 12. Upon receiving said assessment roll and warrant, the treasurer shall proceed to collect the amount assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the township or elsewhere within the county, or within any adjoining county belonging to such person and sell the same at public auction, first giving six days notice of the time and place of such sale by posting such notices in three of the most public places in the township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Constable to
pay moneys to
treasurer.

Treasurer to
make return of
assessment roll.

SEC. 13. The constable shall pay the moneys, and all percentage collected by him into the township treasury and take the treasurer's receipt therefor, and file the same with the clerk. The treasurer shall also make return of said assessment roll and warrant to the clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Warrant may
be renewed.

Special assess-
ments.

SEC. 14. Said warrant may be renewed from time to time by the clerk if the board of public works shall so direct, and for such time as they may determine, and during the time of such renewal the warrant shall have the same force, and the treasurer shall perform the same duties and make the like return as above provided. In case any assessment shall be finally returned by the treasurer unpaid, as aforesaid, the same may be transferred to and reassessed in the next annual township tax roll, in a column headed "Special Assessments," with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment, and be collected and paid in all respects as provided for collecting the township taxes.

Special assess-
ment may be
collected by
suit.

What to be
prima facie evi-
dence.

SEC. 15. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the township, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified copy of the order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the township to recover judgment therefor.

SEC. 16. Such board shall have the power to divide such township into highway districts as it shall deem advisable: Highway districts.
Provided, That said township shall not be divided into less Proviso. than four such districts.

SEC. 17. All pathmasters in said township shall at any time such board may require, report the condition of the highway district over which he shall be pathmaster, to such board, and shall follow and be governed by the direction of such board in performing labor or making improvements in such district. Power and duties of pathmasters.

SEC. 18. The board herein provided for shall hold a regular meeting on the first Monday in each month and the chairman shall call special meetings upon the request of three members submitted to him in writing. A majority of such board shall constitute a quorum for the transaction of business. When meetings to be held.

SEC. 19. All acts or parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 300.]

AN ACT authorizing the supervisors of Wayne County to hold a special meeting in February or March, in the year one thousand eight hundred and ninety-nine, to consider and determine the necessity of borrowing money on the faith and credit of said County of Wayne, for the purpose of fully completing the Court House of said county and furnishing the same throughout, and to provide for submitting the question of raising by loan upon the bonds of said county such sums of moneys as they may deem necessary therefor, not to exceed the sum of eight hundred thousand dollars, to the vote of the electors of said county; and providing notice of such special meeting of said supervisors, and the mode of submitting the question of said loan to the vote of the electors of said county.

The People of the State of Michigan enact:

SECTION 1. That a special meeting of the board of supervisors of the county of Wayne may be held in the month of February or March in the year one thousand eight hundred and ninety-nine, at which meeting they shall have power to consider and determine the necessity of borrowing money on the faith and credit of said county of Wayne, and of issuing bonds therefor to an amount not to exceed eight hundred thousand dollars, pledging the faith and credit of said county of Wayne for the payment of the principal and interest, which Meeting, when held.

money shall be expended for the full completion of the court house of said county and furnishing the same throughout.

Request for special meeting.

SEC. 2. The said special meeting shall be held when requested by at least one-third of the supervisors of said county; which request shall be in writing addressed to the county clerk, and specifying the time and place of such meeting; and upon the reception of such request the clerk shall immediately give notice of such meeting, in writing, to each of the supervisors, by causing the same to be delivered to such supervisors personally, or by leaving the same at the place of residence of such supervisor, or by depositing the same in the mails, postage prepaid, addressed to such supervisor at his place of residence, at least six days before the time of such meeting.

Clerk to give notice.

Question submitted to electors.

SEC. 3. If the said board of supervisors shall determine that it is necessary to raise any sum for said purposes by loan upon the bonds of said county, they shall then provide for submitting the question of raising said sum by loan for said purposes to the vote of the electors of said county, at the time of the holding of the next annual township meeting; and they shall thereupon cause notice thereof to be posted up in three public places in each township, and in each ward of any city in said county, at least ten days previous to the time fixed for the submission aforesaid, and shall cause the same to be published in at least two daily newspapers printed in said county, for at least ten successive days previous to the time of such submission and vote, setting forth the sum proposed to be raised by loan, and stating the day when such question will be submitted to the electors of said county, in the several townships and cities, or wards of said county. The vote shall be taken, canvassed, certified and returned in the same manner as required by the forty-eighth section of act number two hundred sixty-six of the public acts of eighteen hundred ninety-seven.

How notice shall be given.

Vote, how taken.

If defeated, may be re-submitted.

SEC. 4. If a majority of the electors of said county, voting upon said question of raising said sum of money by loan for said purpose, should at the said election vote against said loan, then said board of supervisors of said county shall have power to provide for again submitting said question of so raising said sum of money, not to exceed eight hundred thousand dollars, to the electors of said county at any future general or special election, in the townships, cities and villages of said county; and should said question be submitted at any such future general or special election, said question shall be voted upon in the manner provided in section three of this act.

Supervisors' compensation.

SEC. 5. The said supervisors shall receive such compensation and mileage as are provided by law for other special meetings of said board.

This act is ordered to take immediate effect.

Approved March 7, 1899.

[No. 301.]

AN ACT prescribing the manner in which the City of Ionia may be incorporated under and be subject to the provisions of Act number two hundred and fifteen of the Public Acts of eighteen hundred ninety-five of the State of Michigan, entitled "An act to provide for the incorporation of cities of the fourth class."

The People of the State of Michigan enact:

SECTION 1. That the city of Ionia be and the same is hereby incorporated with its present boundaries and existing wards, and shall hereafter be controlled and governed and be subject to the provisions of act number two hundred and fifteen of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," subject to the limitations and provisions in this act mentioned. Incorporation.

SEC. 2. The aldermen and justices of the peace of the city of Ionia now in office shall hold their office respectively for the unexpired portion of their respective terms, said aldermen and justices of the peace being authorized to transact any and all business under the new incorporation that they could legally or lawfully perform under the existing corporation, and to be officers of said corporation. All other officers of the city of Ionia shall hold office until their successors are elected or appointed and qualify under act number two hundred and fifteen of the public acts of eighteen hundred ninety-five. And at the first election by said city under act number two hundred and fifteen, entitled "An act to provide for the incorporation of cities of the fourth class," there shall be elected in each ward one alderman who shall hold his office for two years. On the succeeding annual election there shall be elected one alderman in each ward for two years. At the first election held under said act number two hundred and fifteen, entitled "An act to provide for the incorporation of cities of the fourth class," there shall be elected one justice of the peace who shall hold his office for four years from the fourth of July next succeeding said election, and the justice of the peace whose term of office shall expire on the fourth of July nineteen hundred one shall be elected for four years, and such justice together with the justice elected at the first election shall be the justices of the peace of the city of Ionia, their successors to be elected every two years, as is provided by said act number two hundred and fifteen. Subject, however, to the right of the other two justices to hold out the unexpired portion of the terms of office and during such time to perform the duties thereof. All other officers shall be elected at the first annual election and annually thereafter, as is provided by the said act for the incorporation of cities of the fourth class. Terms of present city officers.

Other officers, how and when elected.

When act to
take effect.
Proviso.

Special elec-
tion.

Proviso.

Result, how de-
clared.

New registra-
tion not re-
quired.

Majority vote
required.

Form of ballot.

SEC. 3. This act shall take effect on the fifteenth day of March, A. D. eighteen hundred ninety-nine: *Provided, however,* If fifty or more of the qualified voters of the city of Ionia shall file with the city clerk of the city of Ionia on or before the tenth day of March, A. D. eighteen hundred ninety-nine, a petition praying that an election of the qualified voters of the city be called to determine the question as to whether the said city shall remain incorporated under the special act or acts under which it is now incorporated and by which it is governed at the time of the filing of said petition, or whether it shall become subject to the provisions of this act. And thereupon it shall be the duty of the council, within three days after the filing of such petition, to call a special election of the qualified voters of said city to determine such question. Such election shall be held upon such day and at such a place in said city as may be designated by a resolution of the council, and the voting may all be done at one voting place, booths being provided for that purpose: *And provided,* That said election shall be held on or before the twentieth day of March, in the year of our Lord one thousand eight hundred and ninety-nine, notice of such election shall be given for at least six days by publishing the same in at least two daily papers in the city of Ionia for five consecutive days before such election. The common council shall appoint inspectors and clerks of such election and the returns shall be made to the common council of the result, and the said council shall declare the result of said election on the Tuesday evening next following said election. No new registration shall be necessary for the holding of said election, and only those whose names shall appear in the registration books used at the next previous annual city election shall be entitled to vote at such election. If a majority of all the votes cast at such election are in favor of remaining incorporated under the special acts by which the city of Ionia is now governed, then the city of Ionia shall not be reincorporated under the provisions of act number two hundred and fifteen of the public acts of eighteen hundred ninety-five, but shall remain incorporated under such special acts, which shall remain in full force and effect as though this law had not been enacted. If a majority of the votes cast at such election shall be in favor of reincorporating under the provisions of act number two hundred and fifteen, then the city of Ionia shall become reincorporated and made subject to the provisions of act number two hundred and fifteen of the public acts of eighteen hundred ninety-five, from the Wednesday following the said election, subject, however, to the limitations concerning aldermen and justices of the peace herein mentioned. The ballots used at such election shall contain the instructions required by the general election law of the State, so far as the same is applicable to the question submitted, and the proposition to be

submitted shall be in the following language: ☐ YES. For becoming reincorporated under the general law. ☐ NO. For becoming reincorporated under the general law.

This act is ordered to take immediate effect.

Approved March 8, 1899.

[No. 302.]

AN ACT to authorize School District number one of the Township of Portage, in the County of Houghton, to borrow money and issue bonds therefor, for the erection and furnishing of a school building in said District.

The People of the State of Michigan enact:

SECTION 1. That school district number one of the township of Portage, in the county of Houghton, be and is hereby authorized to borrow money not to exceed fifty thousand dollars and issue bonds therefor, to be used for the erection and furnishing of a school building in said district to take the place of the present Rock School Building, so called, therein. May borrow money and issue bonds.

SEC. 2. It shall be the duty of the school officers of said district number one of the township of Portage, to submit to the taxable citizens of said district the question of the making of the loan in this act provided for, which question may be submitted to said taxable citizens either at the annual meeting or at a special meeting called for that purpose; said loan to be voted on not to exceed fifty thousand dollars, and the bonds to be issued therefor not to extend beyond thirty years. All proceedings under this act shall be held in accordance with the school laws of the State, except as herein otherwise provided. Loan to be submitted to electors.

SEC. 3. At the meeting provided for in section two, the director and assessor of said school district, and one qualified voted thereof, to be appointed by the school district board, shall constitute a board of inspection and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open four hours after the time fixed for the meeting in the notice thereof. The votes shall be by ballot, either printed or written, or partly printed and partly written, and such ballots shall be in the following: "For the loan—YES," and "For the loan—NO." At the closing of the polls the above mentioned board of inspectors shall proceed and canvass the votes cast in the same manner as votes are canvassed at township elections, and shall publicly declare the result and record the same in the minutes of the meeting. Limit of loan.

SEC. 4. If the taxable citizens of said district by a two-thirds majority shall vote to borrow money within the limitations of this act, the district board of said district is hereby Board of inspection, who to constitute.

Form of ballot.

Votes, how canvassed.

Vote required.

Denomination
of bonds, rate
of interest.

How executed.

Amount to be
raised by tax.

authorized to issue the bonds of the district therefor, in sums of not less than fifty dollars nor more than one thousand dollars each, as the said district board shall deem best, and at a rate of interest not exceeding five per cent, and for a period not exceeding thirty years. Said bonds shall be executed by all the members of the school board or a majority thereof.

SEC. 5. It shall be the duty of the school board of said district, if the said district shall have voted to borrow money, to raise by tax each year thereafter a ratable proportion of said loan and the interest thereon, in such amounts as that the funds shall be on hand to pay said bonds at maturity; said tax to be levied and collected as other taxes are levied and collected.

This act is ordered to take immediate effect.

Approved March 8, 1899.

[No. 303.]

AN ACT to confer power and authority upon the Common Council of the Village of Harbor Springs to extend the electric light plant of said Village beyond its corporate limits, so as to light the Roaring Brook, Wequetonsing, Harbor Point, Emmet Beach and Idlewild summer resorts, and to purchase and acquire property and to erect all proper and necessary structures in connection therewith. Also to have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said resorts with lights.

The People of the State of Michigan enact:

Council may extend lighting
plant beyond
corporate
limits.

May purchase
grounds, privileges,
etc.

Rights, remedies, etc., conferred.

SECTION 1. That the common council of the village of Harbor Springs, in the county of Emmet, shall have and is hereby given power and authority to extend the electric light plant of said village beyond its corporate limits so as to light the Roaring Brook, Wequetonsing, Harbor Point, Emmet Beach and Idlewild summer resorts, and to purchase and acquire by the exercise of the right of eminent domain grounds, privileges, rights, property and materials, and to erect all proper and necessary structures in connection therewith, outside as well as within the corporate limits of said village of Harbor Springs, and to hold and maintain the same for the purpose of supplying said resorts and the inhabitants of the same with electric lights, with all the rights, remedies and privileges conferred and subject to the conditions and regulations imposed upon villages and cities in this behalf by the general laws of this State made and provided.

This act is ordered to take immediate effect.

Approved March 9, 1899.

[No. 304.]

AN ACT to authorize the Common Council of the City of Pontiac to provide that all the moneys collected in said city under the provisions of act one hundred and ninety-eight of the session laws of eighteen hundred and seventy-seven as amended by act one hundred and seventy-nine of the session laws of eighteen hundred and ninety-five in excess of the amounts required under the provisions of said act to be paid to satisfy losses caused by the killing or injuring of sheep by dogs, may be used for the support and maintenance of a certain library in said city.

The People of the State of Michigan enact:

SECTION 1. That the common council of the city of Pontiac, be and is hereby authorized to provide that the surplus of the moneys collected in said city under the provisions of act one hundred and ninety-eight of the session laws of eighteen hundred and seventy-seven as amended by act one hundred and seventy-nine of the sessions laws of eighteen hundred and ninety-five, over and above the amount required by said first named act as so amended to be used for the payment of losses resulting from the killing or wounding of sheep by dogs, shall be paid to the Ladies' Library Association of the city of Pontiac, to be used for the support and maintenance of its library: *Provided*, That such library shall remain open to the use of all the people of said city on equal terms and conditions. Certain surplus moneys to be paid to ladies' library.

This act is ordered to take immediate effect.

Approved March 9, 1899.

[No. 305.]

AN ACT to change the boundaries of School Districts numbers one and three in the Township of Union, County of Isabella, and State of Michigan.

The People of the State of Michigan enact:

SECTION 1. That the following territory, to wit: The east half of the south-west quarter and the west-half of the south-east quarter of section twenty-two, and the north half of the south-west quarter of section twenty-three, all in township fourteen north of range four west, be detached from school district number one in said township and attached to school district number three in said township. Boundaries changed.

This act is ordered to take immediate effect.

Approved March 9, 1899.

[No. 306.]

AN ACT to provide for the submission to the qualified electors of the County of Montcalm, in the State of Michigan, the question of the relief of George Douglass, ex-treasurer of said county, from liability on the account of the loss of county funds occasioned through the failure of the City National Bank of the City of Greenville, Michigan, and the bank of C. W. Chapin and Company, of the City of Stanton, Michigan.

The People of the State of Michigan enact:

When to be
submitted to
electors.

SECTION 1. There shall be submitted to the qualified electors of the county of Montcalm, State of Michigan, at the several annual township and city elections to be held in said county on the first Monday of April, eighteen hundred ninety-nine, the question of releasing George Douglass, ex-treasurer of said county, from liability on account of his loss of the funds of said county through the failure of the City National Bank of the city of Greenville, State of Michigan, and the bank of C. W. Chapin and Company of the city of Stanton, of the State of Michigan, where the said funds were deposited; said relief to be determined as hereinafter provided.

Notice, how
and by whom
given.

SEC. 2. The township clerk of each township and the city clerk of each city of the said county shall cause at least ten days' notice to be given of the intended submission of said question in the same manner as is required by law to be given of said annual township and city elections. Said township and city clerks shall cause to be printed on white paper and distributed at the polls of said township and city elections, in sufficient numbers for the accommodation of all the electors of the said townships and cities, two sets of ballots of uniform size, color and texture, and on the ballots of one set shall be printed the words: "For the Relief—YES." and on the other set of ballots the words: "For the Relief—NO." Said ballots voted at said township and city elections shall be voted and deposited in a separate ballot box, and shall be cared for, inspected and counted in the same manner, as nearly as may be, as ballots relative to constitutional amendment are voted, deposited, cared for and counted.

Clerks to pre-
pare and dis-
tribute ballots.

Form of ballot.

Vote, how can-
vassed.

Vote required.

SEC. 3. If it should appear from the final inspection and counting of said ballots that two-thirds of the electors voting on said proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election carried and adopted, and it shall be so certified by them to their respective township and city boards, within five days after said township and city elections.

This act is ordered to take immediate effect.

Approved March 9, 1899.

[No. 307.]

AN ACT to allow the village of Capac, in the county of St. Clair and State of Michigan, to borrow money and issue bonds in the sum of not exceeding twelve per cent of the assessed valuation of said village, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing and maintaining Water-Works, as provided for in Act number three of the Session Laws of eighteen hundred ninety-five.

The People of the State of Michigan enact:

SECTION 1. That it shall be lawful, and the village council of the village of Capac, in the county of St. Clair and State of Michigan, from and after the passage of this act, is hereby authorized and empowered to borrow on the faith and credit of said village a sum of money not exceeding twelve per cent of the assessed valuation of said village, as shown by the last preceding tax roll, for a term not in excess of twenty-four years from the date of issue, at a rate of interest not exceeding five per cent per annum, paid annually; and to execute coupon bonds of said village therefor in such manner as the council of said village may by a two-thirds vote of all the members elect determine; and to provide for the payment of the same, which bond shall in no case be disposed of at less than their par value, and shall be payable at such place or places as such council shall direct.

SEC. 2. All money borrowed under the provisions of this act shall be applied exclusively for the purpose of purchasing, constructing and maintaining water-works as provided for in act number three of the session laws of eighteen hundred ninety-five, and before any money shall be borrowed, appropriated, raised or expended for the purposes above set forth, the council of said village shall cause to be made an estimate of the amount of money needed for said water-works purposes and the question of raising the amount required shall be submitted to the electors of the village at its annual election or at a special election called for that purpose by the council, and shall be determined as two-thirds of the electors voting at such election shall decide.

May borrow money and issue bonds.

Limit of amount.

Limit of term and interest.

Bonds. how sold.

Money. how used.

Estimate to be submitted to electors.

Vote required.

This act is ordered to take immediate effect.

Approved March 9, 1899.

[No. 308.]

AN ACT to legalize the taxes assessed in the township of Ithaca, in the county of Gratiot, for the year eighteen hundred ninety-eight.

The People of the State of Michigan enact:

Assessment and
tax rolls legal-
ized.

SECTION 1. The assessment and tax rolls of the township of Ithaca, in the county of Gratiot, for the year eighteen hundred ninety-eight, and the taxes assessed and levied thereon for said year, are hereby confirmed and declared valid, notwithstanding the error made in said rolls by entering the State taxes assessed in the column headed "County Taxes," and the county taxes assessed in the column headed "State Taxes."

How treasurer
to account for
and pay over
taxes.

SEC. 2. The township treasurer shall account for and pay over all taxes collected on said rolls, and shall return all lands on which taxes are unpaid on the first day of March, eighteen hundred ninety-nine, as follows: All taxes found in the column in said rolls headed "State Taxes" he shall account for or return as county taxes, and all taxes found in the column headed "County Taxes" he shall account for or return as State taxes.

This act is ordered to take immediate effect.

Approved March 9, 1899.

[No. 309.]

AN ACT to consolidate School District number eighteen fractional, of the City and Township of Niles, in the County of Berrien and State of Michigan, with graded School District number one of said City and Township.

The People of the State of Michigan enact:

Districts con-
solidated.

SECTION 1. That school district number eighteen fractional, of the city and township of Niles in the county of Berrien and State of Michigan, be and the same is hereby consolidated so that all the territory of said district number eighteen fractional, of said city and township shall be added to said district number one of said city and township, and said last mentioned district shall include within its boundaries, all of the territory of the aforesaid school district number eighteen fractional.

Acts not in
force.

SEC. 2. No prior act or acts inconsistent with any of the provisions of this act shall be of any force or effect to interfere with any of the provisions of this act.

And ordered to take effect August 1, 1899.

Approved March 14, 1899.

[No. 310.]

AN ACT to amend section five of chapter six, to amend and re-number sections one, two, three, four, five, six and seven of subdivision "City Clerk" of chapter seven, to amend section six of chapter twenty-seven, of act number three hundred twenty-one of the local acts of eighteen hundred ninety-three, entitled "An act to re-incorporate the city of Gladstone, in the county of Delta, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March twenty-seventh, eighteen hundred ninety-three, as amended by the several acts amendatory thereof.

The People of the State of Michigan enact:

SECTION 1. Section five of chapter six, sections one, two, three, four, five, six and seven of sub-division "City Clerk" of chapter seven, and section six of chapter twenty-seven, of act number three hundred twenty-one of the local acts of eighteen hundred ninety-three, entitled "An act to re-incorporate the city of Gladstone, in the county of Delta, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March twenty-seventh, eighteen hundred ninety-three, as amended by the several acts amendatory thereof, be amended and renumbered so as to read as follows: Sections amended.

Acts repealed.

CHAPTER VI.

SEC. 5. The mayor, city treasurer, supervisor and constables shall hold their offices for a term of one year, and the city clerk for a term of two years, from the first Monday in April, in the year when elected, and until their successors are elected, qualified and enter upon their duties of their offices. One justice of the peace shall be elected annually for a term of four years, who shall serve from the fourth day of July next after his election. Aldermen shall be elected biennially, and shall hold their offices for a term of two years, from the first Monday in April of the year when elected, and until their successors are elected and qualified and enter upon their duties of their offices: *Provided*, That at the next annual city election to be held in April, eighteen hundred ninety-nine, and at the annual city election of every second year thereafter, a city clerk shall be elected who shall hold office for the term of two years, or until his successor is elected, qualified and enters upon the duties of his office. Term of elective officers.

CHAPTER VII.

CITY CLERK.

Duties.

SEC. 4. The city clerk shall keep the corporate seal and all documents, official bonds, papers, files and records of the city not by this act or the ordinances of the city entrusted to some other officer. He shall be clerk of the council, shall attend all its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted, and perform all other duties as may from time to time be prescribed by the city council, and shall receive as compensation the sum of not less than sixty dollars per month. He shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, and shall receive therefor the fees allowed by law, and such copy shall be evidence in all places of the matters therein contained, to the same extent as the original would be. He shall possess and exercise the powers of township clerk, so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations.

Compensation.**Powers.****Office, where to be, etc.**

SEC. 5. The city council shall provide an office in the building known as the city hall annex, where the city clerk shall keep all documents, official bonds, books, papers or files pertaining to his office, and shall keep his office open for business, and be in attendance thereat, from nine o'clock to twelve in the forenoon, and from two to five o'clock in the afternoon, of each and every day except Sunday and legal holidays. The city clerk shall, on demand of his successor in office, deliver all documents official bonds, books, papers and files pertaining to his office. He shall also open and keep an account with the city treasurer, and shall charge such treasurer with all funds which may come into his hands by virtue of his office, and shall credit him with all moneys paid out by him on the order of the proper authorities of the city, and shall enter the date and amount of all vouchers in a book kept by said clerk. He shall also open and keep a separate account with each of the several funds belonging to the city, and shall credit each of said funds with such amounts as properly belong to them, and shall charge them severally with all warrants drawn on the city treasurer, and payable from said funds respectively.

To deliver books, etc., to successor.**Account with treasurer.****Separate accounts.****To be general accountant.**

SEC. 6. The city clerk shall be the general accountant of the city, and all claims against the corporation shall be filed with him for adjustment. After examination thereof, he shall report the same with all accompanying vouchers, and counter claims of the city, and the true balance as found by him, to the council or the proper committee thereof, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and shall take proper receipts therefor; but no warrant shall be drawn upon any fund after the same

has been exhausted. When any tax or money shall be levied, raised or appropriated the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

Clerk to report tax levy, etc., to treasurer.

SEC. 7. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof, and showing the purposes for which each fund was raised; keeping a separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

To have general supervision.

To countersign bonds.

To keep a complete set of books, etc.

SEC. 8. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

To make detailed statement to council.

SEC. 9. The city clerk shall have the statutory powers of a township or city clerk, under the general laws of this State, in respect to the filing and custody of chattel mortgages, and all papers required to be filed, and in the performance of all other statutory duties.

To have powers of township clerk.

SEC. 10. The city clerk shall, within the time limited for filing his oath of office and before entering upon the duties of his office, give a bond to the city in such sum and with such sureties as the city council shall require, and the city council may, if they deem it best, require the city clerk to furnish as surety on his bond a surety company authorized under the laws of this State to become surety on official bonds, but should the city council require a surety company as such surety, the expense of the same is to be borne by the city; said bond to be conditioned for the faithful discharge of the duties of his office according to law, and for the safe keeping of the moneys, books, records and papers of said city, in the manner required by law, and for their delivery on demand to his successor in office, which bond shall be filed in the office of the city treasurer. The city clerk may also, by and with the consent of the city council, appoint a deputy to be known as the deputy city clerk, but no person shall be appointed and confirmed by the city council as such deputy who is not an elector of this State, and the city clerk shall be held responsible for any and all acts of his deputy, and the city clerk may revoke

Clerk to execute bond.

Who may be required as surety.

Expense to be paid by city.

Bond, where filed.

May appoint deputy.

Deputy to subscribe oath of office; duties.	such appointment at pleasure. Such deputy shall take and subscribe the constitutional oath of office, and in case of the absence, sickness or disability of the city clerk, such deputy
Compensation, how paid.	shall perform the duties of such clerk, but his compensation in such case shall be paid entirely and solely by the city clerk, and the city of Gladstone shall in no case be liable therefor nor shall the city council allow any bill or claim for such
When deputy to perform the duties of office.	services. In case of death, resignation or removal of the city clerk, or a vacancy otherwise occurring in said office by law, such deputy shall perform the duties of city clerk until a successor shall be elected or appointed according to law, and qualified and entered on the duties of his office, and receive same compensation. No person shall be considered appointed to the office of deputy city clerk and qualified to act as such
Appointment to be approved by council.	until said appointment has been submitted to and approved by the city council.

CHAPTER XXVII.

Organization of board of fire, water and electric light commissioners.	SEC. 6. Within five days after said commissioners shall have qualified by filing their oaths of office as aforesaid, and annually thereafter, they shall meet and organize by electing one of their number president of said board, and the city clerk shall be ex officio secretary of the said board, whereupon they shall assume control of the fire, water and electric lighting departments of said city, and they and their successors in office shall have and possess all the powers and authority conferred upon them by this act. All meetings of said board shall be public, and held in the council chambers in the building known as the city hall. The said board shall have authority to provide for its use all the necessary furniture, records and stationery, and it shall be its duty to keep a full and complete record of all its meetings, and of all business transacted by it, which shall be open to the inspection of any city officers and any resident of the city at all seasonable times after reasonable demands. The said board shall cause to be published in the official paper of the city a full and complete copy of the records of its meetings, within two weeks after the same shall be had.
Meetings, where held.	
Minutes to be published.	
Secretary to keep separate accounts.	The secretary shall keep a separate account of all expenditures ordered by the board on account of the fire, water and electric lighting departments, likewise a separate account of all expenses incurred by said board, and of all public improvements ordered by the city council, and likewise a separate account of all contracts of said departments entered into by the said board on behalf of said city. He shall collect all moneys due to the city or said board for water and electric lighting rates, keeping an accurate account thereof.
To attend meetings of the board.	He shall attend all meetings of said board, record all its proceedings and resolutions, and perform all other duties pertaining to the office of secretary of the said board as may be re-

quired. All books, documents, papers and files, pertaining to the office of secretary of the water board shall be kept in the office of the city clerk, provided by the council for such purpose. He shall, at least once every two weeks, turn over to the city treasurer all moneys in his hands and belonging to the city. The board shall report to the city council monthly the condition of the various departments under its charge, the expenses of conducting the same, together with a statement of moneys received in behalf of the same, also a statement of the number employed in each department. Said board shall also, from time to time, certify to the city council all such accounts, claims and demands against said city, for or on account of the said departments, and all expenses incurred in relation to contracts for public buildings or public improvements connected with said departments, which shall have been approved by the board, and the same shall be reported to the city council for payment as in other cases, and said board may report without recommendation any claim or demand the validity of which may be in doubt.

Books, papers, etc., of water board, where kept.

Secretary to turn over money.

Monthly statement to council.

Accounts, etc., to be certified to council.

This act is ordered to take immediate effect.

Approved March 14, 1899.

[No. 311.]

AN ACT to authorize the township board of the Township of Rockland, in Ontonagon county, to borrow money, to be used in building a bridge across Ontonagon river, in said township, and to build and repair a township highway from the village of Rockland, in said township, to the Victoria mine, in said township, and to issue bonds therefor.

The People of the State of Michigan enact:

SECTION 1. The township board of the township of Rockland, in the county of Ontonagon, shall have the authority and power, and is hereby authorized and empowered to borrow money on the faith and credit of said township, and issue bonds therefor, to an amount not exceeding five thousand dollars, which shall be expended in building a bridge across the Ontonagon river, in said township, and to build and repair a township highway from the village of Rockland, in said township of Rockland, to the Victoria mine, in said township: *Provided*, That a majority of the electors in said township, voting at an annual or special election, to be called in compliance with chapter nineteen of Howell's Annotated Statutes of Michigan, shall vote in favor of such loan, in the manner therein specified and not otherwise.

May borrow money and issue bonds.

Limit of amount, how and for what expended.

Proviso.

Denomination
of bonds, when
payable, etc.

Rate of interest,
how signed.

Tax levy.

SEC. 2. If such loan be authorized by a majority of said electors, said bonds shall be issued in denominations of one thousand dollars each, and shall be payable at such times and amounts, at any time within ten years from the date of issue, as fixed and determined by said board, and with a rate of interest not exceeding six per centum per annum; and such bonds shall be signed by the supervisor and clerk of said township, and be negotiated by and under the direction of said township board, and the money arising therefrom shall be appropriated in such manner as said township board shall determine, for the purpose aforesaid, to be used in building a bridge across said Ontonagon river, in said township, and to build and repair a township highway from said village of Rockland, in said township, to the Victoria mine in said township; and the said township board shall have the power, and it shall be its duty, to raise by tax upon the taxable property of said township, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, as fast as the same shall become due, as hereinbefore stated.

This act is ordered to take immediate effect.

Approved March 15, 1899.

[No. 312.]

AN ACT to incorporate the Village of Sunfield, in the County of Eaton.

The People of the State of Michigan enact:

Territory incor-
porated.

SECTION 1. That all that territory situate and being in the township of Sunfield, in the county of Eaton, and State of Michigan, and described as follows, to wit: The south half of the northwest quarter of section two, the south half of the northeast quarter of section three, the southeast quarter of section three, and the southwest quarter of section two, all in town four north of range six west, Eaton county, Michigan, be and the same is hereby incorporated as the village of Sunfield.

First election.
notice of, etc.

SEC. 2. The first election of officers of said village of Sunfield shall be held on March twenty-seventh, one thousand eight hundred and ninety-nine, in the R. M. Bascom building, in said village, notice of which shall be given by publication in the Sunfield Sentinel, or any weekly paper printed and circulated in said village. Said notice shall be signed by the board of election inspectors hereinafter designated.

Board of elec-
tion inspectors,
etc., when and
where to meet.

SEC. 3. J. H. Lapo, E. H. Deatsman, T. E. Stinchcomb, J. E. Walsh and J. H. Palmer, are hereby constituted a board of election inspectors, and election commissioners for said first election to be held in said village, for the purpose of register-

ing the names of voters for the first election to be held in said village, and the said board of registration are hereby required to meet at said R. M. Bascom building, on the Saturday next preceding the said March twenty-seventh, one thousand eight hundred and ninety-nine, and shall remain in session from nine o'clock in the forenoon until five o'clock in the afternoon, and register all persons presenting themselves for registration, and having the qualifications of voters at annual township meetings, and residing within said village, notice of such meeting shall be published in said Sunfield Sentinel, at least one week before said meeting, signed by said board of registration.

Notice, how published.

SEC. 4. The election inspectors shall give notice of the time and place of holding such election as provided in section two of this act, at least one week immediately preceding said election. At such election the polls shall be opened at nine o'clock in the forenoon, and shall be closed at five o'clock in the afternoon.

Opening and closing of polls.

SEC. 5. The said village of Sunfield, shall in all things not herein otherwise provided, be governed by an act entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February twentieth, one thousand eight hundred and ninety-five.

Law of 1895 to govern.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be held within thirty days after the time so designated, the notice being given as provided in said section.

Proceedings when officers not elected at first election.

This act is ordered to take immediate effect.

Approved March 16, 1899.

[No. 313.]

- AN ACT to authorize the City of Cheboygan to borrow money for the purpose of making public improvements in and purchasing land for Parks for said city and to issue its bonds for the payment of same.

The People of the State of Michigan enact:

SECTION 1. That the council of the city of Cheboygan shall be and is hereby authorized and empowered to borrow money from time to time on the faith and credit of said city and issue bonds therefor to any amount not exceeding in the aggregate the sum of fifty thousand dollars, which shall be expended in making public improvements in and purchasing land for park purposes for the city of Cheboygan: *Provided*, That no loan hereby authorized shall be made unless a majority of the qualified electors of said city voting at an election to be

May borrow money and issue bonds.

Limit of amount. How expended.

Proviso as to election.

called in compliance with the provisions of the charter of said city, shall vote in favor of such loan in the manner specified in said charter.

Loan to be authorized by electors.

Bonds, how signed and negotiated.

Tax levy.

SEC. 2. If such loan shall be authorized by a majority vote of the electors voting on such question at such election said bonds may be issued in such sum, not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding five per cent per annum, as the common council may direct, and shall be duly signed by the mayor and clerk and sealed with the seal of said city, and negotiated by or under the direction of said council, and the money arising therefrom shall be appropriated in such manner as said council shall determine for the purpose aforesaid, and the said council shall have the power and it shall be their duty to raise by tax upon the taxable property of said city such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved March 20, 1899.

[No. 314.]

AN ACT to amend section two of act number three hundred and eight of the session laws of eighteen hundred seventy-nine, entitled "An act to incorporate the City of Mt. Clemens and repeal act number three hundred and seven of the session laws of eighteen hundred seventy-five, approved April eighth, eighteen hundred seventy-five," as amended by act number three hundred and eight of the local acts of eighteen hundred eighty-one.

The People of the State of Michigan enact:

Section amended.

SECTION. 1. That section two of act number three hundred and eight of the session laws of eighteen hundred seventy-nine, entitled "An act to incorporate the city of Mt. Clemens and repeal act number three hundred and seven of the session laws of eighteen hundred seventy-five," approved April eighth, eighteen hundred seventy-five, and the act amendatory thereof be amended so as to read as follows:

Division of city into wards.
First ward.

Second ward.

SEC. 2. The said city shall be divided into three wards as follows, to wit: The first ward shall embrace all that portion of the city lying south of the center line of Cass avenue and westerly of the Clinton river. The second ward shall embrace all that portion of the city lying north of Cass avenue and west of that center line commencing at the intersection of the center lines of North Gratiot street and Cass avenue and thence

running northeasterly along said North Gratiot street, Pearl street and North Gratiot street to the north line of said city. The third ward shall embrace all that portion of said city lying north of Cass avenue and east of the said line commencing at the intersection of the center lines of North Gratiot street and Cass avenue; thence running northeasterly along North Gratiot street, Pearl street and North Gratiot street to the north line of said city and that portion of said city lying south and east of the Clinton river. Third ward.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 315.]

AN ACT to amend section one of act number two hundred eleven of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate the City of St. Louis, in Gratiot county, and to repeal act number three hundred seventy-eight of the local acts of eighteen hundred eighty-seven," approved March fourth, eighteen hundred eighty-seven.

The People of the State of Michigan enact:

SECTION 1. That section one of act number two hundred eleven of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate the city of St. Louis, in the county of Gratiot, and to repeal act number three hundred seventy-eight of the local acts of eighteen hundred eighty-seven," be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, to wit: The south one-half of the northwest fractional quarter of section nineteen, the southwest fractional quarter of section nineteen, and the northwest fractional quarter of section thirty, in township twelve north, of range two west, and the northeast quarter of section twenty-five, the southeast quarter of section twenty-four, and the south one-half of the northeast quarter of section twenty-four, and all that portion of the southwest quarter of section twenty-four, lying and being east of the west margin of the mill pond, and north of the highway on south side of said section twenty-four, in township twelve north, of range three west, in Gratiot county, Michigan, be incorporated into, and the same is hereby made, constituted and organized into a city to be known by the name of the City of St. Louis. Territory embraced.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 316.]

AN ACT to amend Section two of act number two hundred eleven of the local acts of one thousand eight hundred ninety-one, entitled "An act to incorporate the city of St. Louis, in the county of Gratiot, and to repeal act number three hundred seventy-eight of the local acts of one thousand eight hundred eighty-seven, entitled 'An act to reincorporate the village of St. Louis, in Gratiot county,' approved March fourth, eighteen hundred eighty-seven," relative to changing the boundaries of the wards of said city of St. Louis, in Gratiot county.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section two of act number two hundred eleven of the local acts of one thousand eight hundred ninety-one, entitled "An act to incorporate the city of St. Louis in the county of Gratiot, and to repeal act number three hundred seventy-eight of the local acts of one thousand eight hundred eighty-seven, entitled 'An act to reincorporate the village of St. Louis in Gratiot county,' approved March fourth, eighteen hundred eighty-seven," be and the same is hereby amended so as to read as follows:

Division of city
into wards.
First ward.

Second ward.

Third ward.

Fourth ward.

SEC. 2. The city shall be divided into four wards. The first ward shall embrace all that portion of the city lying north of the center line of Center street, and west of the center line of Mill and Berea streets; the second ward shall embrace all that portion of the city lying east of the center line of Mill and Berea streets, and north of the center line of Washington avenue, except the west half of block thirty-nine; the third ward shall embrace all that portion of the city lying south of the center line of Washington avenue, and east of the center line of Mill street, and also the west half of block thirty-nine; the fourth ward shall embrace all that portion of the city lying south of the center line of Center street, and west of the center line of Mill street.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 317.]

AN ACT to change the names of Charles Henry Sullivan, Lyda Sullivan and Harold Sullivan, to Charles Henry Evans, Lyda Evans and Harold Evans, respectively.

The People of the State of Michigan enact:

SECTION 1. That the names of Charles Henry Sullivan, Lyda Sullivan, his wife, and Harold Sullivan, their son, all of Detroit, Wayne county, Michigan, be and the same are hereby changed to Charles Henry Evans, Lyda Evans, and Harold Evans, respectively. Names changed.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 318.]

AN ACT to provide for an additional voting precinct in the Township of Franklin, County of Houghton, to be known as voting precinct number three.

The People of the State of Michigan enact:

SECTION 1. That the following described territory now embraced in the township of Franklin, in the county of Houghton, to wit: Sections sixteen, seventeen, nineteen, twenty, and twenty-one; the south half of section eighteen, the north half of section twenty-nine, and the north half of section thirty, of town fifty-five north, range thirty-three west, shall constitute and be denominated as election precinct number three of said township. Voting precinct No. Three.

SEC. 2. Ten days notice of the creation of election precinct number three shall be given by the board of inspectors of election hereinafter named, by posting written or printed notices of the same as required by law previous to holding the first election therein. Notice of election creating precinct.

SEC. 3. The following named persons, to wit: J. G. Turner, J. M. Wilcox, and Robert H. Shields, the same being qualified electors of the township of Franklin, and residing within the territory embraced by election precinct number three, shall constitute the board of inspectors in said precinct at the first election held therein. Board of inspectors.

SEC. 4. All qualified electors residing in election precinct number three as thus defined, shall cast their ballots at such a place within said precinct as the board of inspectors of election shall determine as the polling place of election precinct number three. Who to vote in precinct.

SEC. 5. There shall be a new registration of all the qualified electors residing within the territory of said precinct previous to the first election held therein. The township board of said township shall provide at the expense of said township a suitable register for such registration, in which shall be registered the names of the qualified electors residing in precinct number three, in the manner provided by law. New registration.

Board of registration. who to constitute.

SEC. 6. The inspectors of election provided for by section three of this act shall also constitute the board of registration in said precinct, and said board shall have and exercise the same power in respect to registering electors on election day as is conferred upon inspectors of election by existing laws, as well as all other powers conferred upon boards of inspectors of election under the general laws.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 319.]

AN ACT to amend act number three hundred nineteen of the local acts of eighteen hundred and ninety-three, entitled "An act to allow the Village of Ontonagon, in the County of Ontonagon, and State of Michigan, to borrow money and issue bonds in the sum of thirty thousand dollars to build Water-Works and Electric Lighting Plant," approved March twenty-four, eighteen hundred and ninety-three; and to amend act number two hundred eighty-three of the local acts of eighteen hundred and ninety-five, entitled "An act to allow the Village of Ontonagon, in the County of Ontonagon, and State of Michigan, to borrow money and issue bonds in the sum of twelve thousand dollars, to extend its system of Water-Works and to complete its Electric Lighting Plant," approved February thirteen, eighteen hundred and ninety-five, and to repeal all acts and parts of acts contravening or conflicting with this act.

The People of the State of Michigan enact:

Acts amended.

SECTION 1. That act number three hundred nineteen of the local acts of eighteen hundred and ninety-three, entitled "An act to allow the village of Ontonagon, in the county of Ontonagon, and State of Michigan, to borrow money and issue bonds in the sum of thirty thousand dollars to build water-works and electric lighting plant," approved March twenty-four, eighteen hundred and ninety-three; and act number two hundred eighty-three of the local acts of eighteen hundred and ninety-five, entitled "An act to allow the village of Ontonagon, in the county of Ontonagon, and State of Michigan, to borrow money and issue bonds in the sum of twelve thousand dollars, to extend its system of water-works and to complete its electric lighting plant," approved February thirteen, eighteen hundred and ninety-five, be and the same are hereby amended so as to read as follows:

SEC. 2. The village council of the village of Ontonagon, from and after the passage of this act, is hereby authorized and empowered to borrow, on the faith and credit of said village, a sum of money not exceeding forty-five thousand dollars for a term not in excess of forty years from the date of issue, at a rate of interest not exceeding six per cent per annum, payable annually; and to execute the coupon bonds of said village therefor in such form as the said council may, by a two-thirds vote of all the members elect, determine; and to provide for the payment of the same, which bonds shall in no case be disposed of at less than their par value, and shall be payable at such place or places as said council shall direct.

Authority to
borrow money.

Bonds, rate of
interest, how
sold, etc.

SEC. 2. [3] All money borrowed under the provisions of this act shall be applied to the payment and discharge of the present bonded indebtedness of said village of Ontonagon, and the interest thereon, contracted under the provisions of said local acts of eighteen hundred and ninety-three and eighteen hundred and ninety-five, for the purpose of refunding the said bonded indebtedness.

How money to
be expended.

SEC. 3. [4] It shall be the duty of said council to provide by tax upon the taxable property or from any fund it may have and not otherwise appropriated for the said sum of forty-five thousand dollars and interest upon all bonds issued under the authority of this act: *Provided*, That no bonds shall be issued or money borrowed for such purposes until the question shall be submitted to the electors of the village at any regular annual election, or at a special election called for that purpose, and a majority of the electors voting at such election, voting therefor, shall decide.

Tax levy, for
payment of
bonds.

Proviso.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 320.]

AN ACT to provide for an additional voting precinct in the Township of Franklin, in the County of Houghton, to be known as voting precinct number four.

The People of the State of Michigan enact:

SECTION 1. That the following described territory now embraced in the township of Franklin, in the county of Houghton, to wit: Sections four, five, six, seven, eight and nine; the north half of section eighteen, of town fifty-five north, range thirty-three west; and sections one and twelve of town fifty-five north, range thirty-four west, shall constitute and be denominated as election precinct number four of said township.

Territory em-
braced in pre-
cinct No. four.

Notice of election creating precinct.

SEC. 2. Ten days notice of the creation of election precinct number four shall be given by the board of inspectors of election hereinafter named, by posting written or printed notices of the same as required by law previous to holding the first election therein.

Board of inspectors.

SEC. 3. The following named persons, to wit: Henry Keys, Napoleon Martell and Nicholas Clymo, the same being qualified electors of the township of Franklin, and residing within the territory embraced by election precinct number four, shall constitute the board of inspectors of election in said precinct at the first election held therein.

Who to vote in precinct.

SEC. 4. All qualified electors residing in election precinct number four as thus defined, shall cast their ballots at such a place within said precinct as the board of inspectors of election shall determine as the polling place of said precinct number four.

New registration.

SEC. 5. There shall be a new registration of all the qualified electors residing within the territory of said precinct previous to the first election held therein. The township board of said township shall provide at the expense of said township a suitable register for such registration, in which shall be registered the names of the qualified electors residing in precinct number four, in the manner provided by law.

Board of registration, who to constitute.

SEC. 6. The inspectors of election provided for by section three of this act shall also constitute the board of registration in said precinct, and said board shall have and exercise the same power in respect to registering electors on election day as is conferred upon inspectors of election by existing laws, as well as all other powers conferred upon boards of inspectors of election under the general laws.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 321.]

AN ACT to authorize the Village of Elkton, in the County of Huron and State of Michigan, to borrow money and issue bonds therefor, the proceeds of which to be used to promote any public improvement in said Village.

The People of the State of Michigan enact:

May borrow money and issue bonds.

SECTION 1. That the village council of Elkton in the county of Huron, shall be and is hereby authorized to borrow money on the faith and credit of the said village, and issue bonds therefor, to an amount not exceeding five thousand dollars, which shall be expended for the encouragement and promotion of any public improvement for the benefit of said village,

Money, how expended.

under such rules and regulations as said village council shall prescribe: *Provided*, That two-thirds of the electors of said village, voting at an election held in accordance with the provisions of this act, shall vote in favor of the said loan in the manner specified in this act, and not otherwise.

Proviso as to election.

SEC. 2. The question of raising the said money and issuing such bonds shall be submitted by the village council of the said village to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, eighteen hundred and ninety-five. The village council shall have power to order a special election when it may, by said council, be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at general elections held within the said village, except that those electors voting for the said loan shall have written or printed on their ballots the words: "For the loan," and those voting against the loan shall have written or printed on their ballots the words: "Against the loan."

Bond issue, etc., to be submitted to electors.

Vote, how taken.

Power of council relative to election.

Form of ballot.

SEC. 3. If said loan shall be authorized by two-thirds of the electors voting at such election such bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding six per centum per annum as said village council shall direct, and shall be signed by the president of said village, and countersigned by the clerk of said village, and negotiated by or under the direction of said village council; and the money raised therefrom shall be appropriated in such manner as said village council shall determine for the purpose aforesaid; and the said village council shall have the power, and it shall be their duty to raise by taxes upon the taxable property of said village, such sums or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Vote to authorize loan.

Bonds, rate of interest, how signed, etc.

Tax levy for payment of bonds.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 322.]

AN ACT to vacate the Township of Beaver Lake in Ogemaw County, and to incorporate its territory within the adjoining Township of Foster, in the County of Ogemaw.

The People of the State of Michigan enact:

Territory vacated and attached to Foster township.

Proviso as to moneys, etc.

Further proviso.

SECTION 1. That the township of Beaver Lake in the county of Ogemaw be and the same is hereby vacated, and the organization thereof dissolved and repealed, and the territory included in said township of Beaver Lake be and the same is hereby attached to, and incorporated within the township of Foster, in said county of Ogemaw: *Provided*, That all moneys now in the hands of the treasurer of said township of Beaver Lake, and obligations due said township shall, together with all books, papers, records and documents be turned over to the clerk of the township of Foster for safe custody, and all moneys so turned over to said clerk of the township of Foster shall be used in payment of the obligations of said township of Beaver Lake incurred at the date hereof, and moneys so remaining in said clerk's hands, after all the obligations of said township of Beaver Lake have been paid, shall by said clerk of Foster township be paid over to the treasurer of Foster township: *Provided further*, That any obligation or liability incurred by either of said townships prior to the passage of this act shall be paid by an assessment and levy of taxes only on the real and personal property embraced in the township owing such obligation.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 323.]

AN ACT to vacate the Townships of Glencoe and Yates of Lake County, and to dispose of the territory comprized by the said townships.

The People of the State of Michigan enact:

Certain territory vacated and attached to Newkirk and Cherry Valley townships.

Credits, demands, etc., how to remain.

SECTION 1. That the organization of the township of Glencoe, in the county of Lake, be and the same is hereby vacated and the territory thereof be and the same is hereby attached to the township of Newkirk in said county. The organization of the township of Yates be and the same is hereby vacated, and the territory thereof be and the same is hereby attached to the township of Cherry Valley.

SEC. 2. All rights of action, demands, credits, choses in action and property, of whatsoever name, or nature now belonging or existing in favor of any such townships of Glencoe and Yates, shall hereafter remain the debts, demands and rights of action in favor of the respective townships to which the territory is annexed.

SEC. 3. All debts, demands, and rights of action now existing against the said townships of Glencoe and Yates, shall be assumed by the respective townships to which the territory is annexed.

Debts, demands, etc., by whom assumed.

SEC. 4. It shall be the duty of the township officers of the said townships of Glencoe and Yates to turn over to the proper officers of the respective townships to which the territory is annexed, the same as if the said respective township officers were their successors in office, all files, records and funds, by virtue of their said offices.

Duty of officers in Glencoe and Yates.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 324.]

AN ACT to require Township Boards of Wayne and Washtenaw Counties to make and publish annually an itemized statement of the condition of the finances of the township in relation to the receipts and disbursements made by the Township Board, and to repeal all acts and parts of acts inconsistent herewith.

The People of the State of Michigan enact:

SECTION 1. That the township boards of the several townships of the counties of Wayne and Washtenaw shall make and cause to be published annually immediately upon the settlement of the township board, such settlement to take place on the second Tuesday prior to the township election an itemized statement of:

Township to publish annual statement. —

First, The amount of money in the hands of the township treasurer at the beginning of the fiscal year, specifying the amount in the several funds;

Amount of money, etc.

Second, The amount and source of all money placed to the credit of the township and the fund to which the same has been accredited;

Credits.

Third, All bills audited and to whom allowed by them;

Bills.

Fourth, All disbursements of money and to whom made by them, and for what purpose and from what fund the same has been paid;

Disbursements of money.

Fifth, All outstanding unpaid claims and to whom such claims are due, and to what funds the same are charged;

Outstanding claims.

Sixth, The balance of money remaining to the credit of the township, specifying the amount in the several funds.

Balance on hand.

The said itemized statement shall be printed in some weekly newspaper printed and published in the township, and if there is not a weekly newspaper published in said township, then such itemized statement shall be printed in a weekly newspa-

Statement, how published.

Expense charged to township.	per printed and published and circulated in the county of Wayne or Washtenaw, and such itemized statement shall be published as provided by this act prior to the annual election
Failure to comply a misdemeanor.	SEC. 2. That the expense of carrying out the provisions of this act shall be charged against and shall be audited and allowed by the township board and paid out of the general fund of such township.
Penalty.	SEC. 3. Upon the complaint of any taxpayer within such township of the failure on the part of the township board to comply with the provisions of this act it shall be deemed a misdemeanor on the part of all the individual members of such township board not voting therefor, and shall be punished by a fine of not more than fifty dollars, or by imprisonment in the county jail, for a period of not more than sixty days, or by both such fine and imprisonment in the discretion of the court, upon the conviction of any member of such board.
Acts repealed.	SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. This act is ordered to take immediate effect. Approved March 21, 1899.

[No. 325.]

AN ACT to authorize the Village of Fremont, in the County of Newaygo, to borrow money to construct Public Buildings and make Public Improvements in said Village.

The People of the State of Michigan enact:

May borrow money and issue bonds.	SECTION 1. That the council of the village of Fremont in the county of Newaygo shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor to an amount not exceed-
How expended.	ing twenty thousand dollars, which shall be expended in constructing public buildings and in making public improvements
Proviso as to election.	in said village of Fremont: <i>Provided</i> , That two-thirds of the qualified electors of said village voting on that question at an annual or special election of said village to be held under and in compliance with the provisions of act number three, of the public acts of this State, of the year one thousand eight hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, eighteen hundred ninety-five, shall vote in favor of such loan in the manner specified in said act, and not otherwise.
Vote to authorize loan.	SEC. 2. If such loan shall be authorized by a two-thirds vote of such electors, said bonds may be issued in such sum not exceeding the amount hereinafter limited, and payable at

such time with such rate of interest, not exceeding six per cent per annum, as such council shall direct, and be signed by the president and countersigned by the clerk and sealed with the seal of said village, and negotiated by or under the direction of said council and the money arising therefrom shall be appropriated in such manner as such council shall direct for the purpose aforesaid. And the said council shall have power, and it shall be its duty to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast [as] the same shall become due.

Bonds, how signed, rate of interest, etc.

Power of council to levy tax for payment.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 326.]

AN ACT to authorize the Township of Oliver, in the County of Huron, and State of Michigan, to borrow money and issue bonds therefor, the proceeds of which are to be used to promote any public improvements in said Township.

The People of the State of Michigan enact:

SECTION 1. That the township of Oliver in the county of Huron shall be and is hereby authorized to borrow money on the faith and credit of the said township, and issue bonds therefor to an amount not to exceed ten thousand dollars, which shall be expended for the encouragement and promotion of any public improvement for the benefit of said township, under such rules and regulations as the township board of said township shall prescribe: *Provided*, That two-thirds of the electors of said township voting at an election held in accordance with the provisions of this act shall vote in favor of the said loan in the manner specified in this act and not otherwise.

May borrow money and issue bonds.

How expended.

Proviso as to election.

SEC. 2. The question of raising the said money and issuing such bonds shall be submitted by the township board of the said township to the electors thereof and the vote shall be taken as near as may be in accordance with the provisions of the statutes for holding special elections for the purpose of raising money by bonding townships. The township board shall have power to order a special election when it may, by said board be deemed necessary to carry out the provisions of this act, and the proceedings held at such special election shall be the same as at general elections held within said township, except that those electors voting for the said loan shall

Bond issue, etc., submitted to electors.

Power of township board as to elections.

Form of ballot. have written or printed on their ballots the words: "For the loan," and those voting against the loan shall have written or printed on their ballots the words: "Against the loan."

Vote authorizing bond issue. SEC. 3. If said loan shall be authorized by two-thirds of the electors voting at such election, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding six per centum per annum, as said township board shall direct, and shall be signed by the supervisor of said township and countersigned by the clerk of said township, and negotiated by or under the direction of said township board, and the money raised therefrom shall be appropriated in such manner as said township board shall determine, for the purposes aforesaid. And the said township board shall have the power and it shall be their duty to raise by taxes upon the taxable property of said township such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Bonds, how signed, negotiated, etc.

Tax levy for payment of bonds.

This act is ordered to take immediate effect.
Approved March 21, 1899.

[No. 327.]

AN ACT to amend section two of chapter twenty of "An act relative to Free Schools in the City of Detroit," approved February twenty-fourth, one thousand eight hundred and sixty-nine and amended March twenty-eighth, one thousand eight hundred and seventy-three, March eleventh, one thousand eight hundred and eighty-one and June eighth, one thousand eight hundred and eighty-three.

The People of the State of Michigan enact:

Section amended. SECTION 1. That section two of chapter twenty of an act relative to free schools in the city of Detroit, approved February twenty-fourth, one thousand eight hundred and sixty-nine, and amended March twenty-eighth, one thousand eight hundred and seventy-three, March eleventh, one thousand eight hundred and eighty-one and June eighth, one thousand eight hundred and eighty-three, be and the same is hereby amended to read as follows:

Board of education, of whom to consist, how elected. SEC. 2. The board of education of the city of Detroit shall consist of seventeen school inspectors to be elected one from and by each ward in the said city at the spring election held every alternate year when judges of the Supreme Court are now required to be elected; and hereafter each and every ward

shall be entitled to one school inspector. At the spring election of the year one thousand eight hundred and ninety-nine one inspector for each the first, second, third, fourth, fifth, sixth, seventh, and eighth wards shall be elected to succeed the present inspectors from those wards whose terms of office expire in the year one thousand eight hundred and ninety-nine; and at the spring election of the year one thousand nine hundred and one, one inspector from each the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth wards shall be elected to succeed the inspectors whose terms expire in the year one thousand nine hundred and one. Each inspector shall be elected for a period of four years from and after July first following his election, except in the seventeenth ward one inspector shall be elected at the spring election in the year one thousand eight hundred and ninety-nine to fill vacancy who shall take office immediately after said election. The votes to be cast for such inspectors shall be deposited in separate ballot boxes from those used for other than city officials, and the election shall be held and votes canvassed in the manner provided by the laws governing city elections.

Inspectors
elected at
spring election,
1899.

Inspectors
elected at
spring election,
1901.

Term of office.

Votes, how can-
vassed, etc.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 328.]

AN ACT to amend section two of title four, sections eight and nine of title twenty-four, and sections one and two of title thirty, of act number four hundred twenty-four, of the local acts of eighteen hundred ninety-five, entitled "An act to incorporate the City of Traverse City" in the County of Grand Traverse, and to repeal all acts and parts of acts in conflict therewith.

The People of the State of Michigan enact:

SECTION 1. That section two of title four, sections eight and nine of title twenty-four and sections one and two of title thirty of act number four hundred twenty-four of the local acts of eighteen hundred ninety-five, be and the same are hereby amended so as to read as follows:

Sections
amended.

TITLE IV.

SEC. 2. At the first election there shall be elected on a city ticket by the qualified voters of the whole city, viz.: A mayor for one year; a city clerk and city treasurer for two

City officers.

years each; three school inspectors, one for one year, one for two years and one for three years; five members of the board of public works, one for one year, two for two years and two for three years; four justices of the peace, one for one year, one for two years, one for three years and one for four years; and one judge of the recorder's court for a term of four years; and at each annual city election thereafter there shall be elected one mayor for one year; one school inspector for three years; one justice of the peace for four years; one or more members of the board of public works for three years; and at each second annual election thereafter there shall be elected one city clerk and one city treasurer for two years each; and at each fourth annual election thereafter there shall be elected one judge of the recorder's court for the term of four years: *Provided*, That this section shall not be construed to require the election of any officer in the year eighteen hundred ninety-nine whose present term of office does not expire during the year eighteen hundred ninety-nine. No person shall be eligible to hold the office of city treasurer for more than two terms in succession.

Proviso.

TITLE XXIV.

Recorder's salary.

SEC. 8. The recorder shall receive such annual salary, payable quarter-annually, as the council of the city, and the board of supervisors of Grand Traverse county shall by ordinance or resolution prescribe, and he shall receive the present salary until it is fixed by such joint action: *Provided*. That one-half of such salary shall be paid by the county of Grand Traverse in consideration of the services in criminal cases as above prescribed.

Proviso.

Recorder's office, who shall furnish.

SEC. 9. The council of the city, together with the board of Supervisors of Grand Traverse county, shall have the power and it shall be their duty to provide, maintain and suitably furnish a place for the transaction of the business of the recorder's court, which place shall have such offices, rooms and apartments as may be deemed appropriate, and shall also furnish the necessary lights, fuel, seal, blanks, dockets, etc., for conducting the court: *Provided*. That the council of the city, together with the board of supervisors of Grand Traverse county, shall have power to provide such place by rental, or by purchase, or in any other manner not inconsistent with this act: *Provided further*. That one-half of all the costs and expenses in the maintaining and providing for such court shall be paid by Grand Traverse county; the total of such expenses, including the recorder's salary, shall be properly itemized and certified to by said court and by the city clerk and presented to the board of supervisors of said county at each annual session of said board, and if found correct they shall at the same session audit and allow the same and order the pay-

Proviso.

Further proviso.

ment of one-half thereof from the county treasury to the city clerk, who shall deposit the same in the city treasury to be placed to the credit of the contingent fund of the city.

TITLE XXX.

SECTION 1. It shall be lawful for the city of Traverse City to construct, own, acquire and operate a water works plant and system, such plant may be located within or without the city limits, and said city may become the owner in whole or in part of such water works and system, or may acquire by purchase, or may become a stockholder in the water works now in operation in said city by virtue of a certain contract and franchise made and granted by the council of the village of Traverse City, or in any other water works or water supply company, and may control, operate and maintain any such water works for the purpose of supplying the city and inhabitants thereof with pure wholesome water for fire protection, ordinary and extraordinary uses, for dwellings, stores, hotels, mills, factories, lawns, barns and all other buildings, and for such other purposes as the council may prescribe and on such terms and conditions as the council shall direct; the entire expense of such water works, plant and system at the time acquired or constructed shall not exceed the sum of eight per cent on the taxable property within the city, subject also to any other limitations by the laws of this State. When the council shall by a resolution declare that it is expedient for the city to construct or acquire by purchase a water works plant and system, or the plant now in operation as aforesaid or to become the owner or part owner therein, or in any other water works or water supply company, and to control, operate and maintain the same for the purposes herein prescribed, it shall submit to the tax paying electors of the city at its annual election, or at a special election called for that purpose by the council, the question of borrowing money therefor within the limits aforesaid, such general or special election to be called and the vote had and determined in the manner provided for in section fifteen, title twenty of this act. If a majority of such tax paying electors shall vote for the borrowing of any sum of money for such purposes within the limits aforesaid, it shall be lawful for the council to negotiate such loan, issue the bonds or other evidence of the indebtedness of the city therefor and fix the denomination of such bonds and the time and place of paying the principal and interest. If the city shall decide to become the owner in whole or in part in any existing water works plant, the council shall prescribe the manner of acquiring such ownership or interest therein, and they shall require the mayor to carry out the direction of the council by subscribing for the requisite [requisite] shares of

May acquire
and operate
water works.

May borrow
money by vote
of tax-payers.

May issue
bonds.

Powers and
privileges.

stock, or otherwise to procure title to such water works in whole or in part.

SEC. 2. Any water supply company, corporation or association operating under this act shall have all the powers and privileges given them by the laws of this State, relative to corporations, and acts governing the introduction of water into towns, cities and villages.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 329.]

AN ACT to provide for the retirement of aged and disabled Firemen and the payment of Pensions to the Wives and Children of deceased Firemen killed in the service of the City of Bay City.

The People of the State of Michigan enact:

Who are
eligible.

SECTION 1. That any person a member of the fire department of the city of Bay City who has been such member for a period of twenty-five years subsequent to November first, eighteen hundred sixty-nine, may be placed on the list of retired firemen on account of disability by vote of the fire commission of said city. Any person a member of said fire department who may be hereafter totally disabled in the discharge of his duties as a fireman of said city, may on the certificate of three reputable physicians appointed by the common council of said city that he is so disabled be in like manner placed on the list of retired firemen, and all such retired firemen shall receive a sum equal to one-half of their annual salary paid to them at the time of their retirement, annually thereafter, to be paid in monthly or semi-monthly payments by said city during the remainder of their natural lives.

Families of de-
ceased firemen
to share.

SEC. 2. In case any person a member of said fire department shall be killed while in the discharge of his duty as a fireman of said Bay City, or shall receive injuries which result in his death within one year thereafter, the widow first, or children, if there is no widow, and if such person shall leave no widow or children, then the mother of said person, if dependent upon him for support, shall by a vote of the fire commission of said city, be paid a pension. The widow or dependent mother shall receive the sum of three hundred dollars annually in equal monthly payments of twenty-five dollars each during the term of her natural life, or until she re-marries, in which case all payments of money under this act to such widow, or dependent mother, shall cease. In case of the death of such widow the same amount shall be paid to such children of deceased

as shall then be under the age of sixteen years, the money to be equally divided among the children under that age. In case the deceased fireman shall leave no widow, but one or more children, such child or children shall receive said pension while under the age of sixteen years in equal proportion, such payment to be made to them monthly or semi-monthly and to continue until such child or children attain the age of sixteen years respectively. In case the death of one or more children, their share of such pension shall be paid to the survivors provided they are under the age of sixteen years: *Provided*. That if there is only one child under the age of sixteen years, then such child shall not receive more than twelve dollars per month. Proviso.

SEC. 3. The fire commission of said city, shall in each year in making its estimates of the appropriations, and money necessary to defray the expenses of the fire department of said city for the current year, include and report therewith such a sum as will be sufficient in amount to pay the liabilities of said city created in pursuance of the provisions of this act, and the sum thus estimated and reported shall be raised in the same manner as are other funds for the maintenance and support of the fire department, and when raised shall be paid to the several persons entitled thereto as the same appears from the records to be kept by said fire commission, such payment to be made by the treasurer of said city from the funds in the treasury raised for that purpose upon proper order being presented to him therefor. Relief fund,
how raised.

SEC. 4. If the fire commission of said city shall be dissolved by virtue of any act of the legislature of this State, or for any reason shall cease to exist, then the matters herein contained to be performed by the fire commission, shall be performed and carried out by the person or persons in whom shall be vested the powers now exercised pursuant to law by the fire commission of said city. Dissolution of
commission;
who shall per-
form duties of.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 330.]

AN ACT to authorize the Board of Education of the City of Escanaba, County of Delta, and State of Michigan, to borrow money and issue bonds in the sum of fifteen thousand dollars, to be used in the erection of a School Building in the City, and in the purchase of a site therefor.

The People of the State of Michigan enact:

May borrow
money and
issue bonds.

Limit of
amount and
rate of interest,
etc.

Proviso as to
sale of bonds.

Money, how
used.

Tax levy.

Proviso as to
election.

Vote required
for issue of
bonds.

Notice, how
given.

Proviso.

SECTION 1. That the board of education of the city of Escanaba, from and after the passage of this act, is hereby authorized and empowered to borrow on the faith and credit of said city a sum of money not exceeding fifteen thousand dollars for a term not in excess of thirty years from date of issue, at a rate of interest not exceeding five per cent per annum, payable semi-annually or annually, at such place or places as the said board of education may determine, and to execute the bonds of said city therefor, in such form as the board of education may by a majority vote of all the members of said board elect, determine, and to provide for the payment of the same; and said board of education is further authorized to negotiate and sell such bonds from time to time upon the best terms for said city as may be obtained: *Provided however,* That no such bonds shall be sold upon any terms that will make the rate of interest upon the price actually received for such bonds, more than five per cent per annum.

SEC. 2. The money borrowed under the provisions of this act shall be applied as follows, viz.: To the construction of a school building for the use of said city, and for the purchase of a site therefor, to be located in such place in said city as the said board of education may determine.

SEC. 3. It shall be the duty of the city council of the said city of Escanaba to provide by tax upon the taxable property of said city, or from any fund it may have on hand and not otherwise appropriated, for the payment of the said sum of fifteen thousand dollars and interest upon all bonds issued under the authority of this act: *Provided,* That no bonds shall be issued, or money borrowed for the purpose of the construction of the said school building or the purchase of said site, until the question of such construction and the purchase of said site shall be submitted to the vote of the qualified electors of the school district present at any general or special meeting appointed and called by the said board of education for the purpose of voting thereon, and unless said bonds shall be authorized by a vote of a majority of the said qualified electors voting at such election, voting therefor. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of said city of Escanaba, and by posting copies thereof in ten public places in the said city, at least ten days before the meeting: *Provided,* That no bonds shall be issued or money borrowed for the purpose of the construction of the said school building or the purchase of said site, until the question of borrowing such sum of money and the issuing of said bonds therefor shall be submitted to the vote of the electors of said school district, qualified under the laws of this State to vote on questions which directly involve the raising of money by tax for said school district, present at any general or special meeting ap-

pointed and called by the said board of education for the purpose of voting thereon, and unless said bonds shall be authorized by a vote of a majority of said qualified electors voting at such election, voting therefor. Notice of the time and place and object of any such meeting shall be given by publishing such notice in any one of the newspapers of said city of Escanaba and by posting copies thereof in ten public places in said city at least ten days before the meeting.

Notice, how published.

This act is ordered to take immediate effect.

Approved March 21, 1899.

[No. 331.]

AN ACT to authorize the Village of Durand, in the County of Shiawassee, to raise thirty thousand dollars, by bonding said Village, for the purpose of equipping, constructing and maintaining a system of water works in said Village.

The People of the State of Michigan enact:

SECTION 1. The village council of Durand, in the county of Shiawassee, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor, to an amount not exceeding thirty thousand dollars, to be expended in constructing, maintaining and equipping a system of water works, including the purchasing of necessary machinery and grounds, and such other necessary materials and labor, and erecting necessary buildings, and laying necessary pipes, as may be required to construct and maintain a complete system of water works for and in said village of Durand. *Provided:* That a majority of the electors who are tax payers, as shown by the last assessment roll of the village, and who voted by ballot at such election in said village, voting at a regular or at a special election to be called in compliance with this act, shall vote in favor of this loan, in the manner as specified in this act.

May borrow money and issue bonds.

To be expended for water works.

Proviso as to election.

SEC. 2. The question of raising said money by loan shall be submitted by the village council of said village to the electors thereof, at the election above specified, and the vote shall be taken as near as may be in accordance with chapter three of act three of the Public Acts of eighteen hundred ninety-five, being an act entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties." The village council shall have power to order a special election, or to submit said question at any regular election hereafter to be held, when it may, by said village council, be deemed necessary to carry out the provisions of this act, and the proceedings had at such an election shall

Question of raising money submitted to electors.

Powers of council as to election.

Form of ballot.	be the same as at a regular election held within said village, except that those electors voting for said loan shall have written or printed, or partly written and partly printed, on their ballots the words "To bond the village of Durand for the purpose of constructing and equipping a system of water works, Yes." And those voting against the loan shall have written or printed, or partly written and partly printed, on their ballots "To bond the village of Durand for the purpose of constructing and equipping a system of water works, No."
Vote required for bond issue.	<p>SEC. 3. If such a loan shall be authorized by a majority of such electors who are tax payers, as shown by the last assessment roll of the village, said bonds may be issued in such sums not exceeding the amount hereinbefore stated, and payable at such time and with such rate of interest, not exceeding five per cent per annum, as the village council may direct, and such bonds shall be signed by the president of said village, and countersigned by the clerk of said village, and negotiated by and under the direction of the said village council, for a sum not less than their par value, and the money arising therefrom shall, under the direction of the village council, be applied for the purpose for which such money was raised and for no other purpose, and said village council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and interest thereon when the same shall become due.</p> <p>This act is ordered to take immediate effect.</p> <p>Approved March 22, 1899.</p>
Bonds, how signed and negotiated	
Tax levy.	

[No. 332.]

AN ACT to amend act number three hundred sixty-five of the local acts of eighteen hundred ninety-five, entitled "An act to reorganize the townships of Fort Gratiot and Port Huron, in the county of St. Clair, and defining the boundary line and name of each township," approved April fourth, eighteen hundred ninety-five.

The People of the State of Michigan enact:

Act amended. SECTION 1. Act number three hundred sixty-five of the local acts of eighteen hundred ninety-five, entitled "An act to reorganize the townships of Fort Gratiot and Port Huron, in the county of St. Clair, and defining the boundary line and name of each township" be and the same is hereby amended to read as follows:

SECTION 1. *The People of the State of Michigan enact,* Territory de-
tached.
That all that portion of the township of Fort Gratiot lying south of the center line of Black River be and is hereby detached from said township and attached to and made a part of the township of Port Huron; and that all of the territory now embraced in the township of Port Huron, together with that part of the township of Fort Gratiot south of the center line of Black River, shall be known as the township of Port Huron, and all that portion of Fort Gratiot township north of that line shall hereafter constitute and be known as the township of Fort Gratiot. Townships, how
known.

This act is ordered to take immediate effect.

Approved March 22, 1899.

[No. 333.]

AN ACT to provide for the submission to the qualified electors of the township of Arenac, in the county of Arenac, State of Michigan, the question of the relief of John Buck, ex-treasurer of the township of Arenac, in said county, from liability on account of the loss of township funds occasioned through the failure of the Arenac county bank of Standish.

The People of the State of Michigan enact:

SECTION 1. The township of Arenac, in the county of Arenac, may, by a majority vote of the qualified electors of said township, voting at any local or general election, relieve John Buck, ex-treasurer of the said township of Arenac, from liability on account of the loss of township funds occasioned through the failure of the Arenac county bank of Standish. Relief of treas-
urer from liabil-
ity, vote re-
quired.

This act is ordered to take immediate effect.

Approved March 23, 1899.

[No. 334.]

AN ACT to change the name of the village of Sand Beach, in the county of Huron, to that of Harbor Beach.

The People of the State of Michigan enact:

SECTION 1. That the name of the village of Sand Beach, in the county of Huron, by which name said village is known and was incorporated under the laws of this State, be and the same is hereby changed to that of Harbor Beach, by which Name changed
to Harbor
Beach.

name said village shall be known hereafter. Said change of name shall, in no other respect whatsoever, change, alter or affect the rights or liabilities of said village.

This act is ordered to take immediate effect.

Approved March 23, 1899.

[No. 335.]

AN ACT to authorize the County of Saginaw to submit the question of issuing bonds to the qualified voters of said County, for the purpose of erecting an Asylum for the care and maintenance of the Insane.

The People of the State of Michigan enact:

May erect asylum and issue bonds.

Proviso.

Issue of bonds, etc., to be submitted to electors.

Further proviso.

Notice, how given.

Form of ballot.

Vote, how canvassed.

SECTION 1. That the county of Saginaw is hereby authorized to erect, within the limits of said county, an asylum for the care, maintenance and treatment of the insane; and to issue bonds therefor in the sum of seventy-five thousand dollars: *Provided, however,* That said asylum shall not be erected until the question of the erection of said asylum or of the issuance of said bonds shall have been submitted to a vote of the qualified electors of said county, at the general election, to be held in said county on Monday, April third, eighteen hundred ninety-nine; *And provided further,* That notice of said election, for the purposes aforesaid shall be given by the sheriff of said county, by causing the same to be published in two or more newspapers, published and circulated in said county, at least ten days previous to said election, and said notice shall be directed to the electors of said county; and by posting notices in twenty of the conspicuous places in said county, at least six days previous to said election.

SEC. 2. The election commissioners of said county are hereby instructed and directed to print upon the official ballot, to be used at said election, as follows: "Shall the County of Saginaw issue bonds, in the sum of seventy-five thousand dollars, for the purpose of erecting an asylum for the care and maintenance of the insane?" And immediately below and upon different lines shall be printed the word "Yes" and the word "No."

SEC. 3. Said vote shall be taken, certified, canvassed and returned by the Inspectors of Election, of the different wards and townships, to the county clerk; and the same vote shall be canvassed, counted and certified by the county board of canvassers, the same as prescribed by the general laws of the State of Michigan.

This act is ordered to take immediate effect.

Approved March 23, 1899.

[No. 336.]

AN ACT to authorize the Township of Carrollton in the County of Saginaw to borrow money on its faith and credit, and to use the same in the construction of a Stone Road on the highway, known as the Carrollton Road in said Township, from the point where the said Carrollton Road intersects the main line of the Flint and Pere Marquette Railroad, thence northerly along said highway to the south line of the Township of Zilwaukee and to empower said Township to issue its bonds for the money so borrowed.

The People of the State of Michigan enact:

SECTION 1. That the township board of the township of Carrollton in the county of Saginaw, when duly authorized by vote of the electors of said township, as herein provided, be and is hereby empowered to borrow on the faith and credit of the said township, the sum of six thousand dollars, for a term not exceeding ten years at a rate of interest not exceeding six per cent per annum, and to execute the coupon bonds of said township therefor, in such form as said board shall determine, which bonds shall in no case be disposed of for less than their par value. Any bonds issued for such purpose shall be signed by the supervisor and countersigned by the clerk of said township.

When board to borrow money.

SEC. 2. Before any money shall be borrowed on bonds issued by said township for the purpose of constructing the said stone road, the question of borrowing said money shall first be submitted to a vote of the electors of said township at a general township or special election, in the manner herein provided. Before submitting the proposition to raise said money to the electors of said township, the township board shall give written notice of the time and place, when and where said question will be voted upon, by posting such notices in five public places in the said township, at least ten days before the township meeting or the general or special election at which said question is to be submitted, which said notice shall state the amount proposed to be borrowed. If the electors of said township, voting upon such proposition, at any general, township or special election, shall fail by a majority vote thereof to authorize the said money to be borrowed and said bonds to be issued, the question shall not be again submitted to a vote of the electors of said township, within six months thereafter, except at a general or township election.

Submitted to electors.

Public notice to be given.

SEC. 3. The manner of voting upon the proposition to make said loan shall be by ballot, either written or printed, or partly written or partly printed. Ballots in favor of such proposition shall be in the following words, "For the Stone Road Loan, Yes," and the ballots against the same shall be in the

Manner of voting; what ballot shall contain.

Election, how conducted.	<p>following words, "For the Stone Road Loan, No." And it shall be the duty of said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition printed or written in the form above indicated to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other annual or special township elections, and immediately upon the conclusion of such canvass the inspectors of the elections shall make and sign a certificate, showing the whole number of votes cast upon such proposition and the number for and against the same; respectively, and not later than the day following such election, such inspectors shall endorse upon such certificate, a declaration in writing over their hands and seals of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township to be preserved by him among the archives of said township. Immediately after the same shall have been filed, said township clerk shall make a certified copy thereof, and file the same in the office of the county clerk of said county of Saginaw, to be preserved by said county clerk with the returns of election from said township.</p>
Certificate, who to make	
Certified copy, where filed.	
Bond issue, when made.	<p>SEC. 4. If a majority of the electors of said township voting upon said proposition at any election, after notice given as herein provided, shall vote in favor of borrowing said money for the purpose of building said stone road, the township board shall cause the necessary bonds and coupons to be prepared and shall solicit proposals for the purchase thereof and shall sell them to the person or persons whose bid therefor is deemed by said board to be most advantageous to said township. The money arising from the sale of said bonds shall be paid into the township treasury and shall be paid out under the direction of the township board, upon orders signed by the supervisor and countersigned by the township clerk of said township.</p>
Moneys, how expended.	<p>SEC. 5. Any money borrowed under the provisions of this act shall be expended in the construction of a stone road (as the township board of said township may determine) over and along the public highway of said township known as the Carrollton road from a point in section thirteen, town twelve north, range four east, Carrollton township, where the said Carrollton road intersects the main tracts of the Flint and Pere Marquette Railroad, running thence northeasterly along said Carrollton road, through the village of Carrollton in said township, to a point where the said Carrollton road intersects the south line of the township of Zilwaukee in said county, and for the necessary expenses incident to the issue of said bonds and for the carrying out of the provisions of this act and for no other purpose whatever.</p>

SEC. 6. As soon as practicable after the money shall be procured [procured] therefor, as herein provided, the township board of said township shall cause the said stone road to be constructed along and upon said highway, in accordance with the plans and specifications therefor to be first prepared by a competent engineer, selected by said board. In the construction thereof, the work shall be done under the direction of the commissioner of highways of said township, but under the general supervision and control of said township board, which shall have the power to purchase all necessary material and employ all necessary labor therefor, and also the power to employ a competent engineer to superintend and inspect all work done in the construction of said road and thoroughly inspect all material used therein.

Road, how
built.

Township
board. power
of.

SEC. 7. In case of the issue of such bonds, it shall be the duty of the supervisor of the said township to spread upon the tax roll of said township in each year in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming [becoming] payable thereon and also any installment of the principal thereof falling due in any year, but no more than one thousand dollars of such principal shall be made to become due in any one year; and the said interest shall be payable by the treasurer of said township when the same shall become due on the presentation to him of the proper coupon, and said principal shall be payable by said treasurer when the same shall become due on the presentation to him of the proper bond. If no loan shall be authorized by a vote of the electors of said township in the manner herein provided, during the years eighteen hundred ninety-nine and nineteen hundred, no money shall be borrowed by said township under the provisions of this act.

Bonds, how
paid.

Loan not
authorized.

This act is ordered to take immediate effect.

Approved March 23, 1899.

[No. 337.]

AN ACT to incorporate the City of Crystal Falls in Iron County.

The People of the State of Michigan enact:

SECTION 1. The following described territory, to wit: The south east quarter of section nineteen, the south half of section twenty, the south half of section twenty-one, all of section twenty-eight, the east half of section twenty-nine, and the north half of the northwest quarter and the east half of the southwest quarter of section twenty-nine, is hereby incor-

Territory incor-
porated.

porated into a city, to be known under the name and style of "The City of Crystal Falls."

Division of city
into wards.

First ward.

SEC. 2. The said city of Crystal Falls shall be divided into three wards, whose territory and boundaries shall be as follows: The first ward shall contain all the land in lots five and six, and the northeast quarter of the southeast quarter of section twenty, the south half of section twenty-one, lots one, two, three, four and five, and the northwest quarter of the northeast quarter, the south half of the northeast quarter, the west half of the southeast quarter, and all the platted land in section twenty-eight, town forty-three north of range thirty-two west, the boundaries of the said first ward to be as follows: Beginning at the center of section twenty, town forty-three north of range thirty-two west, running due east along the east and west quarter lines of sections twenty and twenty-one, to a point where said quarter line intersects the north and south section line between sections twenty-one and twenty-two; thence due south along the section line between sections twenty-one and twenty-two, and twenty-seven and twenty-eight, to a point where said section line intersects the east and west section line between sections twenty-seven and thirty-four, and twenty-eight and thirty-three; thence due west along the section line between sections twenty-eight and thirty-three, to a point where said section line crosses the Paint river; thence up the center of the Paint river to a point in section twenty, where the north and south quarter line of said section crosses the center of said river in said section; thence due north along said quarter line to the center of section twenty, the place of beginning. The second ward shall contain all the

Second ward.

land embraced in the following described parcels, namely: The northeast quarter of the northeast quarter, and all of the northwest quarter of the northeast quarter of section twenty-nine, not platted, and all of the platted land in section twenty-nine coming within the boundaries hereinafter described, the southeast quarter of section nineteen, the west half of the southwest quarter of the southwest quarter of the southwest quarter and lots three and four of section twenty, all coming within the following described boundaries: Beginning at a point in the center of section twenty, town forty-three north of range thirty-two west, where the east and west and north and south quarter lines of said section intersect; thence due west along the east and west quarter line of said sections twenty and nineteen, to the center of section nineteen; thence due south along the north and south quarter line of said section nineteen to a point where said quarter line intersects the east and west section line between sections nineteen and thirty; thence due east along the east and west section line between sections nineteen and thirty to a point where the east and west section line crosses the north and south section line between sections nineteen and twenty, and sections thirty and thirty-one; thence due south along the north and south section line between sections thirty

and thirty-one, to a point where said section line crosses [crosses] the center of the county road; thence due east along the center of the county road to a point where the center of said road crosses the boundary line of the village of Crystal Falls, and is merged into Crystal avenue, one of the streets of said village, as heretofore platted, and made of record; thence east along the center of Crystal avenue to the center of Fifth street; thence south along the center of Fifth street to the center of Superior avenue; thence east along the center of Superior avenue to a point where the center line of said street crosses the Paint river and joins the boundary of ward one, as heretofore described; thence up the Paint river coincident with the boundary line of ward one to the place of beginning. The third ward shall contain the following described parcels of land, namely: Lots six, seven, eight and nine and the west half of the southwest quarter of section twenty-eight, the south half of the south half, the northeast quarter of the southeast quarter, the northwest quarter of the southwest quarter, the west half of the southwest quarter, and all the platted land in section twenty-nine, town forty-three north, range thirty-two west, which is not included in the second ward; and the boundaries of said ward shall be as follows: Beginning at a point in the center of Crystal avenue, where the north and south quarter line of section twenty-nine, town forty-three north, range thirty-two west, crosses the same; thence south along said quarter line to the center of section twenty-nine; thence west along the east and west quarter line of said section twenty-nine, eighty rods; thence due south to the south line of section twenty-nine; thence east along said south line of section twenty-nine, to the southeast corner of said section, and thence east to the point where the south line of section twenty-eight crosses the center of Paint river; thence up the center of Paint river identical with the west boundary of the first ward to the point where the center of Superior avenue crosses the center of Paint river; thence west along the center of Superior avenue to the center of Fifth avenue; thence north along the center of Fifth avenue to the center of Crystal avenue; thence west to the point of beginning.

Third ward.

SEC. 3. The city of Crystal Falls hereby incorporated, shall be governed under the provisions of act number two hundred fifteen of the session laws of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seven, eighteen hundred ninety-five: *Provided*, That said city of Crystal Falls shall be exempt from the provisions of chapter thirty-two of said act two hundred fifteen of the session laws of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seven, eighteen hundred ninety-five, and shall be and remain a part of township school district of Crystal Falls, heretofore incorporated under the provisions of act number one hundred

Laws under which incorporated.

Proviso as to provisions of certain act.

seventy-six of eighteen hundred ninety-one, entitled "An act for the organization of school districts in the Upper Peninsula," approved June thirty, eighteen hundred ninety-one.

This act is ordered to take immediate effect.

Approved March 23, 1899.

[No. 338.]

AN ACT to authorize the City of Detroit to construct, acquire, maintain and operate Street Railways, and to construct extensions thereof.

The People of the State of Michigan enact:

Commissioners,
how appointed.

SECTION 1. That the common council of the city of Detroit be, and is hereby authorized and empowered to appoint by resolution at any time within the next twenty years, three persons, electors and freeholders of said city, who shall constitute a board of commissioners, to be known as the Detroit Street Railway Commission. One of said commissioners shall be appointed for the term of two years, one for a term of four years, and one for a term of six years. Their successors shall be persons of like qualifications, and shall be appointed by the common council on the nomination of the Mayor of said city at the expiration of said term for the term of six years. Vacancies shall be filled by appointment by the Mayor, and persons so appointed shall hold office for the unexpired term. All members of said commission shall hold their offices, respectively, until their successors are appointed and qualified. Any person otherwise eligible may be appointed as aforesaid, notwithstanding he may hold other office, excepting that of alderman.

Organization.

SEC. 2. Said commissioners shall organize by the appointment of one of their number as president and one of their number as vice-president. They shall appoint a secretary who shall keep a record of their proceedings. They shall fix his compensation and prescribe his duties.

To give bonds.

SEC. 3. Before entering upon the duties of their office the said commissioners shall severally execute a bond to the city of Detroit, with one or more sureties, which shall be some responsible surety company or companies, in the penal sum of two hundred and fifty thousand dollars, and conditioned for the faithful performance of the duties of their office, which said bond shall be approved by the city controller and the corporation counsel of said city.

Commission
moneys dis-
bursed by war-
rant.

SEC. 4. The city treasurer shall be the treasurer of the moneys of said commission, and the same shall be credited to the said commission, and shall be disbursed by warrant drawn upon the controller of said city, signed by the president and

countersigned by the secretary of said commission. Upon the presentation of such warrant it shall be the duty of the controller to draw his warrant upon the city treasurer for the amount and in favor of the person named in the warrant of the commission.

SEC. 5. The said commission may in their discretion and upon such terms and conditions as they may deem advisable for the interests of said city acquire, by deed, lease or other satisfactory conveyance from the company or companies owning the same to said city, any street railway or railways existing at the time of the passage of this act and lying wholly within or partly within and partly without said city, operated by the same company or companies, together with the property, assets, rights, privileges, etc., owned and used in connection with or pertaining to said railways, including rights to routes belonging to such company or companies upon which a railway shall not be in operation, and may operate and maintain said street railways so acquired, for the carriage of passengers and freight for hire.

May acquire street railways and rights of way.

SEC. 6. Said commission may provide for the payment of rentals or other obligations and may provide for a sinking fund for the discharge of any liens upon any of the property acquired by them and may pledge the earnings and receipts of said railways for these purposes and may use the earnings in operating and maintaining the same, and may use any surplus of earnings in acquiring any bonds secured by lien upon the property so acquired, or may use such surplus in making needed extensions or betterments to said railways. Said commission shall have no power to incur any obligation on behalf of said city except such as shall be chargeable only upon the railways and property so acquired and the earnings and increments and extensions thereof.

May provide a sinking fund.

SEC. 7. The said commission shall manage, maintain and operate any street railway so acquired or extended, and may purchase from the revenues thereof, all lands, tracks, cars, motors, dynamos, machinery, equipment, tools and furniture necessary and useful therefor to be used in connection therewith, and may establish rates of fare for the carriage of passengers and freight, provided the rates of fare shall not exceed those now charged by the Detroit Citizens' Street Railway Company. In operating any railway so acquired, the commission may exercise such other general powers as are possessed or exercised by boards of directors of corporations organized under the laws of this State providing for incorporation of street railway companies.

Operate street railways and fix rates of fare.

SEC. 8. After acquiring any railway or railways pursuant to section five hereof, said commission shall have the power to enter into agreements with any street railway company having a line of street railway, for or in relation to the exchange of tickets and transfers, and for the carriage of passengers, use of tracks, or operation of cars, *Provided* that such agreements

Exchanges and transfers.

shall not be inconsistent with or in violation of the terms of the conveyance or contract mentioned in section five thereof.

Books and
vouchers to be
examined by
controller.

SEC. 9. The common council may examine the books, papers and accounts of said commission at any time, or cause the same to be done, and it shall be the duty of the city controller to make an examination of the books and vouchers of said commission every three months, and report the results of such examination to the common council. It shall be the duty of the commission to annually report to the common council, which report shall contain a complete and detailed statement of its receipts, and from what sources derived, and expenditures, and for what purposes made, and a detailed statement of the condition of the business and property under the management of said commission.

May appoint
officers and
employees.

SEC. 10. Said commission may employ a director, and a manager, and such superintendents, attorneys, cashiers and other assistants and employees, and for such time and upon such terms and conditions and for such compensation as they may deem advisable. They may require security for the performance of the duties of any person so employed. They may make such rules and regulations relative to their meetings and proceedings, and for the government and conduct of their officers and employees, and for the regulation of the business as they may think best.

May prosecute
and defend
suits at law.

SEC. 11. All causes of action relating to or arising out of the owning, operating or control of any street railway constructed or acquired by said commission shall be prosecuted by or against said commission by the name herein designated and said commission shall carry into effect, pay or discharge any order, decree or judgment, in any suit or proceeding to which it shall be a party, in like manner as if the same were prosecuted or defended by said city: *Provided*, That no action for negligent injury arising out of the operation of said railways shall be maintained unless it be commenced within one year from the time when the injury was received, nor unless notice shall be given in writing within thirty days from the time of such injury to the said commission, its secretary or attorney, of the time, place and circumstances of such injury and of the nature thereof.

Proviso.

Extension of
franchises pro-
hibited.

SEC. 12. Nothing in this act shall be construed as granting any franchise to any of the existing street railway companies, or as extending the life of any existing franchise, or as implying any franchise rights in case of reversion of the property to the grantors or their successors; and said commission is hereby expressly prohibited from granting or extending the life of any franchise under any of the powers conferred upon it by this act.

This act is ordered to take immediate effect.

Approved March 24, 1899.

[No. 339.]

AN ACT to authorize and empower the Oak Grove Cemetery Association of Napoleon, in the County of Jackson, to transfer and convey the cemetery now owned and controlled by said Association to the Board of Health of the Township of Napoleon, to be used for maintaining a cemetery.

The People of the State of Michigan enact:

SECTION 1. That the Oak Grove Cemetery Association of Napoleon, in the county of Jackson, are hereby authorized and empowered to transfer and convey the lands and premises and any and all cemetery property, rights or appurtenances held by them, to the board of health of the township of Napoleon in said county, to be used for maintaining a cemetery: *Transfer authorized.* *Provided,* That the title to any lot or lots heretofore conveyed by said Oak Grove Cemetery Association to any person or persons shall not be disturbed by a transfer and conveyance authorized by this act. *Provided.*

This act is ordered to take immediate effect. .

Approved March 29, 1899.

[No. 340.]

AN ACT to organize the Union School District of the Township of Hawes, in Alcona County.

The People of the State of Michigan enact:

SECTION 1. That the territory embraced within the limits of the township of Hawes, in Alcona county, excepting such territory as may be included in fractional districts lying partly within and partly without the township of Hawes, shall constitute one school district, which shall be a body corporate by the name and style of the "Union School District of the Township of Hawes," and by that name may sue and be sued, and shall be subject to the general laws of this State relative to corporations, so far as the same may be applicable, and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, and all general provisions of law relating to common or primary schools shall apply and be in force in said district, except such as shall be inconsistent with this act. The officers of said district shall be three trustees, the clerk of said township and the township treasurer. Said trustees and the township clerk shall constitute the board of education of said district. *Territory included.* *Body corporate.* *Board of education.*

Notice of first meeting.

Inspectors of election.

Annual meetings, how conducted.

Powers and duties of president.

Powers of board.

Custodian of moneys.

SEC. 2. The annual meeting of said school district shall be held on the first Monday of July in each year. The first meeting after this act shall take effect shall be held at such place and at such hour as the township board of the township of Hawes may designate, and the clerk of said township shall give notice of such meeting by posting notice thereof in at least five of the most public places in said township at least eight days previous to such meeting. The supervisor and the township clerk of said township shall be the inspectors of election at said first annual meeting, canvass the votes, and declare the result thereof. At such first meeting there shall be chosen by ballot three trustees, one to serve for the term of one year, one for the term of two years and one for the term of three years; and at subsequent annual meetings one for the term of three years. Subsequent annual meetings shall be held at such place and hour as the board of education may determine, and the president and clerk of said board shall be the chairman and clerk of such subsequent meetings, canvass the votes and declare the results of all elections, but in the absence of such officers the electors present shall elect suitable persons to perform the duties of such offices.

SEC. 3. Within ten days after the annual election the township clerk shall call a meeting of the board of education, at which time the trustees shall meet and the board elect from their number a president, who shall be the chairman and executive officer of said board. Process shall be served on him in all suits against said district, and he shall have the care and management over the affairs and property of said school district. He shall receive for his services such sum as the board of education may determine, but not to exceed twenty-five dollars annually. The clerk may receive not to exceed fifteen dollars annually. No other officer or member of the board shall receive pay or compensation. The township clerk shall be ex-officio a member of said board, and entitled to a vote in all cases. In the absence of the president at any meeting, a majority of the members present may choose one of their own number president pro tem. In the absence of the clerk the board may choose some suitable person to perform his duties. Said board shall have the power to fill vacancies that may occur in the office of trustee until the next annual election, to prescribe rules for its government and the government of schools, teachers, students and employees of said district, and shall be vested with all the powers and duties not inconsistent with this act, that are by law conferred upon the boards of trustees of primary schools.

SEC. 4. The township treasurer shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him, signed by the clerk and countersigned by the president and designating the particular fund out of which the same shall be paid.

SEC. 5. The union school district of the township of Hawes shall succeed to all the rights, property, effects and liabilities of the school districts within said township. Present districts absorbed.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 341.]

AN ACT to authorize the Township of Burt, in Alger County, Michigan, to borrow money to be used in public improvements, in and for the benefit of said township, and to issue bonds therefor.

The People of the State of Michigan enact:

SECTION 1. That the township of Burt, in Alger county, be and it is hereby authorized and empowered to borrow, on the faith and credit of said township, not to exceed the sum of five thousand dollars, which is to become due and payable as follows, viz: One thousand dollars each year for five years from the date of said loan, at a rate of interest not exceeding five per centum per annum, and to execute the coupon bonds of said township therefor in such form as the township board of said township shall determine. May borrow money and issue bonds.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan, shall so determine; and the said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written notices, and by posting said notices in five public places in said township not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed: *Provided,* Popular vote required. That the question of said loan may be submitted to the qualified electors of said township at any general township meeting, hereafter to be held in said township, in the same manner as is herein provided for special elections. Special election, who may call.

SEC. 3. The vote upon such proposition shall be by ballots, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the Public Improvement Loan, Yes," and ballots against the same shall be in the following words: "For the Public Improvement Loan, No." And it shall be the duty of the said township board to provide at the polls of such election during the whole time while the same shall be open, Form of ballots.

Canvass of
votes.

a sufficient number of ballots, both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other township elections, and immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against the same respectively; and not later than the day following the election said inspectors shall endorse upon said certificate a declaration in writing over their hands and seals of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township and a copy thereof certified to by said township clerk, shall be by him filed with the clerk of said Alger county.

Money, how
expended.

Tax levy.

SEC. 4. Any money borrowed under the provisions of this act, shall be expended in public improvements in and for the township of Burt, Alger county, Michigan, and for no other purpose whatever; and in the case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable therein, and also any installment of the principal thereof falling due in any such year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bond.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 342.]

AN ACT to amend section number seventy-five of act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Battle Creek," approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, approved April ninth, eighteen hundred and eighty-seven, and as amended by act number three hundred and eighty-four of the session laws of eighteen hundred and eighty-nine, approved May ninth, eighteen hundred and eighty-nine, and as amended by act number three hundred and thirty-one of the session laws of eighteen hundred and ninety-one, approved May twenty-second, eighteen hundred and ninety-one, and as amended by act number three hundred and twelve of the session laws of eighteen hundred and ninety-three, approved March twenty-second, eighteen hundred and ninety-three, and as amended by act number four hundred and eighteen of the session laws of eighteen hundred and ninety-five, approved May seventeenth, eighteen hundred and ninety-five, and as amended by act number three hundred and seventy-one of the session laws of eighteen hundred and ninety-seven, approved March twenty-fourth, eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section seventy-five of act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Battle Creek," approved February third, eighteen hundred and fifty-nine, as revised and amended by act number four hundred and twenty-eight of the session laws of eighteen hundred and eighty-seven, approved April ninth, eighteen hundred and eighty-seven, and as amended by act number three hundred and eighty-four of the session laws of eighteen hundred and eighty-nine, approved May ninth, eighteen hundred and eighty-nine, and as amended by act number three hundred and thirty-one of the session laws of eighteen hundred and ninety-one, approved May twenty-second, eighteen hundred and ninety-one, and as amended by act number three hundred and twelve of the session laws of eighteen hundred and ninety-three, approved March twenty-second, eighteen hundred and ninety-three, and as amended by act number four hundred and eighteen of the session laws of eighteen hundred and ninety-five, approved May seventeenth, eighteen hundred and ninety-five, and as amended by act number three hundred and seventy-one of the session laws of eighteen hundred and ninety-seven, approved March twenty-fourth, eighteen hundred and ninety-seven, be amended so that the same shall read as follows:

Section
amended.

Municipal taxation; powers increased.

May issue bonds.

Proviso.

SEC. 75. The common council shall have power and authority in addition to the tax provided for in section seventy-four of this act for streets, sidewalks, crosswalks, bridges, lanes, alleys and public grounds to levy and collect taxes on all of the real and personal property within the limits of said city, by them deemed necessary, not exceeding one per cent each year of the valuation of the real and personal property in said city, as determined by the assessment roll for that year, for the ordinary municipal expenses not provided for in section seventy-four of this act and not exceeding four per cent in each year on the aforesaid valuation for the purposes of paying any indebtedness of said city, and all city taxes provided for by said sections seventeen, seventy-four, seventy-five, and seventy-six of this act, to be assessed, levied and collected, shall be so assessed and levied previous to the second Monday in August in each year, and shall be collected on or before the fifteenth day of September in each year; but it shall be necessary to make but one assessment in each year. The common council shall also have power and authority to make, establish and enforce all necessary by-laws and ordinances for the collection of the same. The taxes thus assessed shall become at once a debt to the city from the person to whom they are assessed, and the amount assessed on any real or personal property shall be and remain a lien on such real or personal property for the amount of the tax, interest and charges thereon from the second day of August in the year in which such assessment is made until paid. The common council shall have and are hereby invested with full, ample and complete authority, whenever they shall deem it necessary and for the best interests of the city to issue bonds of said city, in such form, payable at such time or times, and at such rate of interest, not exceeding five per cent per annum, as they shall determine for the purpose of funding or paying any indebtedness of said city, or to provide for the construction of water works or sewers, or the introduction of water in said city, or for the extension of water works or sewers or to provide for the construction or purchase of an electric light plant or works for lighting the streets, public buildings and grounds, or for public buildings and parks, or for paving or repaving the streets of said city, but for no other purpose whatever: *Provided*, No bond shall be issued to provide for the construction of water works or introduction of water in said city, or for the extension of water works or to provide for an electric light plant or works, or for public buildings or parks or for paving or repaving the streets until a majority of all the electors voting upon said question shall have voted in favor of making such improvements, either at any charter election or at a special election called by the common council for that purpose, at such time and in such a manner as the common council shall specify. The issuing of bonds authorized under section seventeen of this act, need not be submitted to the

electors of said city: *And provided further*, That no more than fifty thousand dollars of such paving bonds shall be outstanding at any one time: *And provided further*, That the entire indebtedness of the city of all kinds, shall at no time be permitted to exceed the amount of five per cent of the assessed valuation of said city, as the same shall then stand equalized by the board of supervisors of Calhoun county; and neither the electors nor the common council of said city shall have any authority to in any manner, either by bond, or otherwise, increase the amount of indebtedness of said city above that amount.

Further
proviso.

Further proviso
as to entire
indebtedness.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 343.]

AN ACT to detach certain territory from the Townships of Dafter, Rudyard and Pickford, in the County of Chippewa and State of Michigan, and to organize the township of Kinross in said County.

The People of the State of Michigan enact:

SECTION 1. That the following described territory, to wit: Sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three, in township forty-five north, of range one west; sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four, in township forty-five north, of range two west; sections from one to twenty-four, both inclusive, otherwise described as the north four tiers of sections in township forty-five north, range three west; sections one to twenty-four, both inclusive, otherwise described as the north four tiers of sections in township forty-five, north of range four west; and sections from one to twenty-four, both inclusive, otherwise described as the north four tiers of sections in township forty-five north, of range five west, be detached from the said township of Dafter, and the following described territory, to-wit: Sections twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four and thirty-five, in township forty-five north, of range one west, be detached from said township of Pickford, and sections twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five and thirty-six, in township forty-five north, of range two west, be detached from the township

Territory
detached.
Description.

**Township
organized.**

of Rudyard, and said foregoing described territory erected and organized into a new township to be called the township of Kinross.

**First annual
meeting, when
and where held.**

SEC. 2. The first annual meeting of said township of Kinross shall be held on the first Monday in April, next, at the school house at Kinross, generally known as the Kinross School House, and Albert Curtis, William H. Caldwell, William Reich and William Duke are hereby made and constituted a board of inspectors of said township election, and at such election the qualified electors shall choose by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State, in case of township elections.

**May be post-
poned.**

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time and place specified for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least five days notice of the time and place of holding such meeting, by posting notices thereof in four public places in said township, which notice may be given by said board of inspectors of election or a majority of them.

**Notice, how
given.**

**Electors may
fill vacancies
in inspection
board.**

SEC. 4. If for any reason, all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified it shall be lawful for the electors of said township who shall be present at the time and place designated for opening the polls of said election to choose from the electors present suitable persons to act as inspectors of said election in place of said inspectors who shall neglect or be unable to attend said meeting.

**Who to consti-
tute board of
registration.**

SEC. 5. The said Albert Curtis, William H. Caldwell, William Reich and William Duke, or a majority of them shall constitute a board of registration with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the school house at Kinross on the Saturday preceding said election.

**Who to act as
election com-
missioners.**

SEC. 6. The board of election commissioners of the township of Dafter shall be, and they are hereby appointed to act as the board of election commissioners for said special election.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 344.]

AN ACT to amend act number four hundred twenty-eight of the Local Acts of the year eighteen hundred ninety-seven, being an act entitled "An act providing for the appointment, fixing the compensation and defining the duties of Stenographer for the Probate Court for the County of Lapeer, and for the taking and transcribing of testimony on examination of persons charged with criminal offenses in the County of Lapeer." approved May seven, eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That sections one, four, six, seven, eight, nine and ten of act number four hundred twenty-eight of the local acts of eighteen hundred ninety-seven, providing for the appointment, fixing the compensation and defining the duties of stenographer for the probate court for the county of Lapeer, and for the taking and transcribing of testimony on examination of persons charged with criminal offenses in the county of Lapeer be, and the same are hereby amended to read as follows: Sections amended.

SECTION 1. The judge of probate and prosecuting attorney of the county of Lapeer shall appoint a stenographer for the probate court of said county of Lapeer, who shall also take and transcribe the testimony on examination of persons charged with criminal offenses and examinations before coroners, as hereinafter provided. Stenographer, by whom appointed.

SEC. 4. Whenever any person charged with an offense is held for examination before any justice of the peace in and for the county of Lapeer, it shall be the duty of the said stenographer, if so requested by the prosecuting attorney of said county, to attend upon such examination and take full stenographic notes of the testimony and proceedings thereat. Said stenographer shall also, upon request of the prosecuting attorney, attend examinations before coroners, and shall take such stenographic notes as required by the prosecuting attorney in such examinations. Must attend examinations before justices and coroners.

SEC. 6. If the stenographer so appointed under this act shall be occupied in either of said courts, and his services shall at the same time be required in attendance upon the other of said courts, then, and in such case the stenographer so appointed under this act shall provide a competent assistant at his own expense. When to provide an assistant.

SEC. 7. The stenographer shall receive as compensation for his services so rendered the sum of five hundred dollars per annum, to be paid out of the county treasury by the county treasurer upon warrants issued by the county clerk, monthly. Compensation.

SEC. 8. In case either party to a cause in the probate court shall desire a transcript of the stenographer's minutes, or any portion thereof, so taken in any cause in said probate When to furnish transcript.

Amount charged per folio.

Transcript, how deemed.

court, it shall be the duty of the stenographer to furnish the same to the judge of probate, for which said judge of probate shall demand and receive the sum of eight cents per folio for each copy so transcribed, which money, when received by said judge of probate, shall be paid to the county treasurer and credited to the general fund of the county. And the testimony so furnished to the judge of probate by said stenographer shall be deemed the only official copies of the testimony so taken.

Transcript of testimony in criminal examination.

Amount charged per folio.

SEC. 9. In case the respondent in a criminal examination shall desire a copy of the testimony taken at said criminal examination, it shall be the duty of said stenographer to furnish said copy and he shall demand and receive therefor the sum of eight cents per folio, which shall be paid by said stenographer to the county treasurer and credited to the general fund of the county.

To subscribe oath of office.

SEC. 10. Before entering upon the duties of said office, the stenographer so appointed under this act shall take and subscribe the constitutional oath of office, which shall be administered by the judge of said probate court.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 345.]

AN ACT to vacate the Village of Chase in the County of Lake.

The People of the State of Michigan enact:

Village vacated.

SECTION 1. That the Village of Chase, in the county of Lake be, and the same is hereby vacated and the organization thereof dissolved and repealed.

Debts, how paid, etc.

SEC. 2. All debts to be paid from the money in the village treasury and all books and papers shall be deposited in the town clerk's office, in the township of Chase.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 346.]

AN ACT to provide for the Registration of Electors, and for holding Elections in the City of Tawas City, Iosco County, Michigan.

The People of the State of Michigan enact:

SECTION 1. That the board of registration for the city of Tawas City shall consist of three aldermen, one from each of the wards whose term of office last expires.

Registration board, who to compose.

SEC. 2. The said three aldermen shall constitute the board of registration for said city and shall have all the powers and perform the duties of boards of registration as provided by the general registration and election laws of the State for fourth class cities.

Idem.

SEC. 3. Said board of registration shall have possession of the several books of registration of said city and keep a list of the registered voters of each ward in a separate registration book.

Shall keep lists of voters.

SEC. 4. Said board of registration shall hold its sessions in the city hall of said city, and shall open and close its sessions according to the election and registration laws of this State for fourth class cities.

Where sessions to be held.

SEC. 5. The persons serving on said board shall each receive the sum of two dollars for their services and no more.

Compensation.

SEC. 6. The election in said city shall be held in the city hall, and there shall be but one polling place in said city for any election.

Where elections to be held.

SEC. 7. The board of inspectors of election shall consist of one alderman from each ward to be elected by the common council at their last regular meeting before a general or special election is to take place, two electors to be appointed by said board of inspectors of election on the morning of election, who shall constitute the board of inspectors of election.

Inspectors, who shall constitute.

SEC. 8. The said inspectors of election shall choose one of their number chairman of the board, and shall designate one of their number to act as clerk of the election, and another of their number to act as second clerk, and each person so chosen or appointed on said board shall take the constitutional oath of office, which oath either of the members may administer.

Officers, how chosen.

SEC. 9. The said inspectors of election shall have at said polling place the several registration books of the several wards and the ballot box of each ward and the said election shall be conducted in the same manner as if held in one ward, that is to say, they shall keep the ballots of the electors of each ward voting at such election in a separate ballot box, and make separate returns for each ward.

Elections, how conducted, etc.

SEC. 10. Said board of inspectors of election are to receive for said services the sum of two dollars each and no more.

Compensation of inspectors.

SEC. 11. In all other respects not specially provided for in this act the said registration and election shall be governed by the general registration and election laws of fourth class cities of this State.

When general laws govern.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 347.]

AN ACT to change the name of Frank Crawford to Frank Lull.

The People of the State of Michigan enact:

Name changed. SECTION 1. That the name of Frank Crawford, of Lacota, Van Buren county, Michigan, be and is hereby changed to Frank Lull.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 348.]

AN ACT to change the boundary of the Village of Potterville, in Eaton county, by detaching certain territory and adding the same to the Township of Benton.

The People of the State of Michigan enact:

Territory
detached

SECTION 1. That the boundary of the village of Potterville, in Eaton county, be so changed as to exclude from the territory now embraced within its corporate limits the following parcels of land, to wit: The south half of the southeast quarter of the northeast quarter of section twenty-three; and the south half of the southwest quarter of the northwest quarter of section twenty-four; being forty acres of land; and that the territory so excluded be and the same is hereby placed under the control, within and made a part of the township of Benton, in said county of Eaton.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 349.]

AN ACT to amend act number four hundred forty-eight of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise and amend act number three hundred and forty-six of the local acts of eighteen hundred and eighty-one, entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof," approved May twenty-ninth, eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. Sections one, thirty-seven and one hundred fifty-two, of act number four hundred forty-eight of the local acts of eighteen hundred ninety-seven, entitled "An act to revise and amend act number three hundred forty-six of the local acts of eighteen hundred eighty-one," entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred eighty-one, as amended and revised by the several acts amendatory and revisionary thereof, approved May twenty-ninth, eighteen hundred ninety-seven, are hereby amended so as to read as follows: Act amended.

CHAPTER 1.

INCORPORATION AND LIMITS.

The People of the State of Michigan enact:

SECTION 1. That all the district of country in the county of Bay and State of Michigan, embraced within the following described limits, is hereby constituted and still declared a city. Territory embraced.
by the name of Bay City; said district of country being included within the following limits, to wit: Beginning at a point in the middle of the Saginaw river, where the section line between sections fourteen and fifteen, in town fourteen north, range five east, crosses said river; thence southerly on a line between said sections fourteen and fifteen and sections twenty-two and twenty-three to the north line of Fillmore Place, according to the Carroll Park plat; thence easterly along the north line of said Fillmore Place, if extended, about sixteen hundred feet to the east line of a tract of land owned by the Bay County Agricultural Society; thence southerly on said east line of said agricultural society's land about twenty-two hundred and sixty-one feet to the center line of Center avenue; thence southerly on said line, if extended, to the section line between sections twenty-three and twenty-six, in township fourteen north, range five east; thence westerly on said section line to the northeast corner of section twenty-seven, town fourteen north, range five east; thence southerly along the east line of section twenty-seven in said township, to the intersection of same with the center line of Ridge road, so-called; thence southeasterly along the center line of said Ridge road to the intersection of same with the north and south line on the east side of the property known as St. Patrick's cemetery, if said line were extended northerly; thence southerly along the said east line of said property known as St. Patrick's cemetery to the intersection of same, if extended with the east and west quarter line of section twenty-six, in

township fourteen north, range five east; thence westerly along the east and west quarter line of said section twenty-six to the east line of section twenty-seven in said township; thence southerly along the east line of section twenty-seven in said township to a point where the center line of Fifteenth street if extended east, would intersect said section line; thence westerly along the center line of said Fifteenth street to the north and south quarter line of said section twenty-seven; thence southerly on said quarter line of section twenty-seven and the quarter line of section thirty-four in said township to the center of section thirty-four; thence westerly on the quarter line to the west section line of said section thirty-four; thence southerly on the section line between sections thirty-three and thirty-four to the southwest corner of section thirty-four; thence westerly on a line between section thirty-three and section four to the quarter line of said section four in township thirteen north, range five east; thence southerly on the quarter line through section four to the east and west section line between sections four and nine; thence westerly on said section line to the intersection of the westerly line of the Inter-Urban railway's right of way; thence northerly and westerly along said westerly line of said right of way to the intersection of the same with the southerly line of Forty-first street, according to John McGraw and Company's plat; thence westerly along southerly line of Forty-first street to the intersection of same with the westerly line of Harrison street; thence northerly along the westerly line of Harrison street to the intersection of same with the center line of McGraw avenue; thence westerly along the center line of McGraw avenue, if produced and continued, to the center of the island in said river known as the Middle ground; thence northerly and easterly through the center of said island or Middle ground, and thence to and along the center of said river to the place of beginning.

Private property, proceedings to condemn.

SEC. 37. Whenever the common council shall deem it necessary to take private property for public use for any of the purposes aforesaid, they shall give notice thereof to the owner, owners, or persons interested, when said owner, owners or persons interested can be found, or to his or their agent or representative, by personal service, or in case said owner, owners or persons interested, or their agent or representatives, cannot be found, then by written notice posted in three public places in said city, at least three weeks next preceding the next meeting of said council for the purpose aforesaid. Said notice shall state the time when, and the place where, the common council will meet to treat with the owner, owners, or persons interested, their agent or representative, for the property proposed to be taken. At such meeting of the common council, or at a subsequent meeting to which the subject matter is postponed, the council is authorized to treat with such person or persons for such grounds or premises; and if such person or persons shall refuse to treat for the same, or if the

parties cannot agree therefor, it shall and may be lawful for the common council to direct any justice of the peace of said city to issue a *venire facias*, commanding the chief of police of said city to summon and return a jury of twelve disinterested freeholders of said city, to appear before the said justice of the peace, at a time and place therein to be stated, to inquire into and determine the necessity for using such property, and the just compensation to be paid therefor to the owner or owners of, or parties interested in said property, or premises; and in the empaneling of such jury, the right of challenge, enforcement of attendance and summoning of talesmen is hereby conferred as is provided by general law in this State for justice courts in civil cases, except that talesmen shall have the same qualifications required of jurors herein. and that no more than two peremptory challenges shall be permitted to the corporation, and a like number to the individual or individuals collectively, whose property is sought to be taken; and the challenge to the array shall be in writing, and shall specify the cause. The said jury, being first duly sworn by said justice, faithfully and impartially to inquire into the necessity for taking or using such property and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of, and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners or the parties interested in such grounds and premises, for their respective injuries, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and the determination of such jury as to the necessity of taking such private property for public use shall be final and conclusive: *Pro-* PROVISO.
vided, That any party to said suit, considering himself aggrieved by such verdict and judgment, may, as to the amount of damages awarded, appeal from such judgment to the circuit court for the county of Bay, or any court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days after the entry of such judgment, and filing a bond with said justice in the penal sum of two hundred dollars, with sureties to be approved by the justice, which bond shall be conditioned that the party appealing will prosecute the appeal to effect and pay any costs that may be awarded against appellant in the circuit court: *Provided*, That where Bay City appeals, the PROVISO.
bond shall not be required. Said appellant or appellants shall cause to be filed with the clerk of the circuit court a transcript of the proceedings aforesaid, duly certified by said justice of the peace, within thirty days after the entry of the judgment of said justice of the peace as aforesaid, and shall pay the said justice the sum of three dollars for making the return to such appeal. Upon filing the justice's return as aforesaid, the circuit court shall have jurisdiction of the case.

The parties may proceed to trial by jury as to the amount of damages only, without reference to any term of court. The appeal of one or more persons shall not in any way affect said judgment as to the other persons interested therein who do not appeal. Upon the day which the said circuit court shall set for the trial of said cause, the sheriff, under-sheriff, or deputy sheriff, of the county of Bay, shall make a list of twenty-four resident freeholders of the city of Bay City, and the city attorney or his assistant, and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct, by a venire issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, the same shall be done by the judge of the court, and in case any of the persons summoned upon said jury cannot be found, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case, by said sheriff or other officer aforesaid, and the practice and proceedings under this act, except as herein provided relative to empaneling, summoning and excusing jurors and talesmen, and imposing penalties and fines upon them for non-attendance, shall be the same as the practice and proceedings of the circuit courts of the State relative to petit jurors in civil cases in such courts, except that peremptory challenges shall not be allowed. The said jurors shall be duly sworn to faithfully and impartially determine the just compensation to be paid for the property proposed to be taken, and having viewed the premises, if necessary, shall assess such damages as they shall judge fit to be awarded to the owner, owners or parties interested in such property, for their respective injuries according to their several interests or estates therein. The verdict or finding of said jury upon the question of damages shall be conclusive, and judgment may be entered thereon: *Provided*, That when the owner, owners or person interested appeals, if the final judgment in the circuit court shall not exceed the damages assessed before the justice by at least twenty-five dollars, or when said city appeals, if said judgment of the justice shall not be reduced, a like amount, then the party appealing shall pay all costs occasioned by such appeal, otherwise such appellant shall be entitled to costs. The council shall pay, or cause to be paid, the several sums awarded in either of the courts aforesaid out of the special improvement fund, if there are sufficient moneys in the treasury belonging to that fund to pay the same. If there are not sufficient of such moneys in said treasury to pay said award, the council is authorized to and shall cause an order to be drawn on such fund, with in-

Proviso.

terest at six per cent, payable at some future day within one year from date, as a security to the person or persons to whom such compensation shall be awarded, for the amount of such compensation so awarded to him or them, and shall deliver the same to such person or persons, or his or their agent or attorney. It shall thereupon be lawful for said council to cause such grounds to be occupied for the purposes aforesaid.

SEC. 152. To such city tax roll the comptroller shall annex a warrant signed by him, commanding the treasurer to collect, from the several persons named in said roll, the several sums mentioned in the last column in said roll, opposite their respective names, and to retain the same in his hands for the purposes therein specified, and to return said roll to said comptroller on the first day of November next following. Said warrant may be in the following form:

Special tax,
how collected.

To the Treasurer of Bay City:

You are hereby commanded to collect, from the several persons named in the said roll, the several sums mentioned in the last column in said roll opposite their respective names, and retain the same in your possession for the following purposes:

Form of
warrant.

For city funds,.....	\$
For school funds,.....	\$
For highway funds, first ward,.....	\$
For highway funds, second ward,.....	\$
For highway funds, third ward,.....	\$
For highway funds, fourth ward,.....	\$
For highway funds, fifth ward,.....	\$
For highway funds, sixth ward,.....	\$
For highway funds, seventh ward,.....	\$
For highway funds, eighth ward,....;	\$
For highway funds, ninth ward,.....	\$
For highway funds, tenth ward,.....	\$
For highway funds, eleventh ward,.....	\$

You are further commanded to return said roll to me on the first day of November next.

Dated,_____

G_____ R_____

Comptroller.

Said city tax roll and warrant shall be delivered to said treasurer on or before the twentieth day of August. The amount so assessed upon said city tax roll upon all property shall, as soon as said city tax roll is approved by the board of review, become a lien upon such property, and the lien for such amounts and for all interest and charges thereon, shall continue until the payment thereof.

Tax a lien on
property taxed.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 350.]

AN ACT to amend section four of act number four hundred forty-eight of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise and amend act number three hundred and forty-six of the Local Acts of eighteen hundred and eighty-one," entitled "An act to revise an act to incorporate the City of Bay City," approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section four of act number four hundred forty-eight of the local acts of eighteen hundred ninety-seven, entitled "An act to revise and amend act number three hundred and forty-six of the local acts of eighteen hundred and eighty-one," entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof, be and the same is hereby amended so as to read as follows:

Officers to be
elected at an-
nual election.

SEC. 4. At the first annual election after the passage of this act, and at each annual election thereafter, there shall be elected one alderman in each ward of said city by the electors thereof, voting in their several wards, who shall hold his office for two years. There shall also be elected annually in each ward, by the electors thereof, one supervisor and one constable, each of whom shall hold his office for one year. Each of said supervisors shall be the supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the annual charter election in April, eighteen hundred and ninety-eight, and every two years thereafter, there shall be elected on the general city ticket, by the qualified electors of said city, one recorder, who shall hold his office for two years; and at the annual charter election in April, eighteen hundred and ninety-nine, and every two years thereafter there shall be elected one mayor and one treasurer, each of whom shall hold his office for the term of two years. At the annual charter election in April, nineteen hundred and one, and every four years thereafter there shall be elected one comptroller, who shall hold his office for four years. At said annual charter election in April, nineteen hundred and one, and every two years thereafter there shall be elected one justice of the peace, who shall hold his office for four years: *Provided*, That nothing herein contained shall operate to prevent the present justices of the peace from discharging the duties of the office for the term for which they

Proviso.

have been respectively elected. Justices of the peace of said city shall have the same jurisdiction and power, perform the same duties and be subject to the same liabilities as justices of the peace of townships in this State, except as herein otherwise provided. The term of office of said justice of the peace shall commence when elected and qualified. Each of the officers mentioned in this section shall continue in office until his successor is elected and shall have qualified. No person shall be eligible for election to, or hold the office of mayor, who is holding any judicial office or who is holding any State or county office for which a stipulated annual salary is paid or received. The treasurer shall be eligible for election twice in succession. The aldermen shall receive for their services as a full compensation the sum of two dollars for each session when actually in attendance. No person shall be eligible to any elective office who is not an elector of said city; and no person shall be eligible to any ward office who is not an elector of such ward.

Power of justices of peace.

Term of office.

Who eligible to hold office of mayor.

Treasurer eligible to election twice. Compensation of aldermen.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 351.]

AN ACT to provide for making the President of the Village of Ontonagon, in the County of Ontonagon, a member ex-officio, of the Board of Supervisors of said County.

The People of the State of Michigan enact:

SECTION 1. That the president of the village of Ontonagon, in the county of Ontonagon, is hereby made a member ex-officio of the board of supervisors of said county, and empowered to sit as a member of said board, and allowed to vote upon and participate in all the proceedings of said board, in the same manner as are other members of the board.

To be ex-officio member of board of supervisors.

This act is ordered to take immediate effect.

Approved March 29, 1899.

[No. 352.]

AN ACT to reincorporate the First Universalist Society of Fairfield, Michigan, for the term of thirty years from September fifth, eighteen hundred ninety-four, and validating all acts of said society from September fifth, eighteen hundred ninety-four, to February twentieth, eighteen hundred ninety-eight.

The People of the State of Michigan enact:

Reincorporated.

SECTION 1. The First Universalist Society of Fairfield, Lenawee county, Michigan, a religious corporation formerly organized under the laws of this State, and whose term of corporate existence expired on September fifth, eighteen hundred ninety-four, be and the same is hereby reincorporated for a term of thirty years from and after the fifth day of September, eighteen hundred ninety-four, under the provisions of act number two hundred nine of the public acts of the session of eighteen hundred ninety-seven.

Former articles legalized.

SEC. 2. The articles of reincorporation heretofore filed by the de facto officers and members of the First Universalist Society of Fairfield, in the office of the county clerk of the county of Lenawee, on pages two hundred thirty-eight, two hundred thirty-nine, two hundred forty, two hundred forty-one and two hundred forty-two of the book of records of articles of association, now in said clerk's office, shall be deemed to be filed as under act number two hundred nine of the public acts of the session of eighteen hundred ninety-seven, and said society is hereby declared to be reincorporated under said act for a period of thirty years from September fifth, eighteen hundred ninety-four.

Former acts declared valid.

SEC. 3. All acts and doings of the de facto officers and agents of said society from the fifth day of September, eighteen hundred ninety-four, to the twentieth day of February, eighteen hundred ninety-eight, are hereby declared to be valid, legal and binding on all persons to the same extent as if said society had been duly and legally incorporated under the laws of this State.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 353.]

AN ACT to amend act number four hundred forty-two of the local acts of eighteen hundred ninety-seven, entitled "An act to revise the charter of West Bay City and to repeal all acts or parts of acts inconsistent therewith," approved May twenty-sixth, eighteen hundred ninety-seven, by repealing section seven of chapter twenty-two, section six of chapter twenty-four, and all of chapter thirty-one, and by amending section one of chapter two, section three of chapter four, section four of chapter five, sections three, five, sixteen and thirty of chapter seven, section two of chapter eight, section seventeen of chapter ten, section two of chapter twenty, all of chapter twenty-six, section one of chapter twenty-seven, sections two, seven, eight, nine, ten, twelve, fourteen and fifteen of chapter thirty-two, and sections thirteen and fourteen of chapter thirty-three, and to repeal all acts and parts of acts in conflict therewith.

The People of the State of Michigan enact:

SECTION 1. That section seven of chapter twenty-two, section six of chapter twenty-four, and all of chapter thirty-one of act number four hundred forty-two of the local acts of eighteen hundred ninety-seven, entitled "An act to revise the charter of West Bay City and to repeal all acts or parts of acts inconsistent therewith," approved May twenty-sixth, eighteen hundred ninety-seven, be and the same are hereby repealed, and that section one of chapter two, section three of chapter four, section four of chapter five, sections three, five, sixteen and thirty of chapter seven, section two of chapter eight, section seventeen of chapter ten, section two of chapter twenty, all of chapter twenty-six, section one of chapter twenty-seven, sections two, seven, eight, nine, ten, twelve, fourteen and fifteen of chapter thirty-two and sections thirteen and fourteen of chapter thirty-three, of said act number four hundred forty-two, of the local acts of eighteen hundred ninety-seven, entitled "An act to revise the charter of West Bay City and to repeal all acts or parts of acts inconsistent therewith," approved May twenty-sixth, eighteen hundred ninety-seven, be and the same are hereby amended so as to read as follows: Act amended.

CHAPTER II.

SECTION 1. So much of the county of Bay, in the State of Michigan, to-wit: Beginning at a point in the middle of the Saginaw river where the north line of section fourteen, town fourteen north, of range five east, crosses said river, thence southwesterly up stream, along the middle of the Saginaw river to the island in said river known as the "Middle Boundaries of city.

Ground;" thence to and through the center of said island and through the center of said river to a point where the south line of section thirty-two, town fourteen north, aforesaid, crosses said Saginaw river, thence west on the south line of said section thirty-two to the southwest corner thereof, thence north along the west side of sections thirty-two, twenty-nine and twenty, town fourteen aforesaid, to the northwest corner of section twenty, thence east along the north line of said section twenty to the quarter post between sections seventeen and twenty, thence north along the quarter line of section seventeen to the quarter section post between sections eight and seventeen, thence east along the north side of the east half of said section seventeen, and north line of sections sixteen, fifteen and fourteen to the place of beginning, to be and the same is hereby declared to be a city by the name of West Bay City:

Proviso.

Provided, That from and after the first day of April, A. D. nineteen hundred one, the boundaries of said city of West Bay City shall be as follows, viz.: Beginning at the corner of sections ten, eleven, fourteen and fifteen, township fourteen north, of range five east, running thence southerly along the section line between sections fourteen and fifteen to the southeast corner of the northeast quarter of the northeast quarter of said section fifteen, thence westerly along the north sub-quarter line to the north and south quarter section line in said section fifteen, thence southerly on said quarter section line to the center line of a highway known as Prairie avenue, if extended according to the plat of Riverside subdivision; thence south seventy-four degrees west, along the center line of said Prairie avenue, to a point which is north sixty-one degrees, fourteen minutes east, five hundred and nineteen feet distant from the quarter section post between sections fifteen and sixteen, township aforesaid, said point being the intersection of the center line of said Prairie avenue with the center line of Roy street; thence south one degree east, along the center line of Roy street seven hundred and forty feet, to the bank of the Saginaw river; thence south thirteen degrees, fifty minutes east, to the center of said river; thence southwesterly up stream, along the middle of the Saginaw river to the island in said river known as the "Middle Ground;" thence to and through the center of said island and through the center of said river to a point where the south line of section thirty-two, township fourteen north, aforesaid, crosses said Saginaw river; thence west on the south line of said section thirty-two to the southwest corner thereof; thence north along the west side of sections thirty-two, twenty-nine and twenty, town fourteen, aforesaid, to the northwest corner of section twenty; thence east along the north line of said section twenty to the quarter post between sections seventeen and twenty; thence north along the quarter line of section seventeen, town fourteen, aforesaid, to the quarter section post between sections eight and seventeen; thence east along the

north side of the east half of said section seventeen and north line of sections sixteen and fifteen to the corner of sections ten, eleven, fourteen and fifteen, township aforesaid, the last mentioned corner being the place of beginning.

CHAPTER IV.

REGISTRATION.

SECTION 3. At the first annual election to be held under this act, and at each annual election to be thereafter held, there shall be elected by the qualified electors voting in their respective wards and election districts, four qualified electors for each voting precinct or election district in any of such wards, who shall constitute the board of registration and inspectors of all elections to be held in their respective election districts, or voting precincts in any of such wards, for the next succeeding year, and that they shall hold no other elective office during the year for which they were so elected. Three candidates for this office shall be nominated by each party in each election district or voting precinct in any of such wards in said city, and of the persons thus nominated the four receiving the highest number of votes, in their respective voting precincts, shall be declared elected; and if there be a vacancy on the board it shall be filled by the members of the board on the nomination of the ward committee of the same party as the person whose absence or disability causes the vacancy: *Provided*, That if by reason of the formation of more than one election district in a ward there shall not be any or a sufficient number of the board residing within each election district so formed to constitute a board of registration and inspectors of election, the council shall supply the deficiency or appoint a full board as the case may be, for such election district: *Provided*, That no board shall be composed of more than three belonging to the same political party. Such board of registration and inspectors of election shall receive two dollars per day as compensation.

Board of registration, how constituted and elected.

Candidates, how nominated.

Vacancy, how filled.

Proviso.

Further proviso.

Compensation.

CHAPTER V.

SECTION 4. Appointments to office, except appointments to fill vacancies, shall be made on the second Monday in April in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting. But every such appointment shall be made within twenty days after the occasion for making the same shall arrive or as soon thereafter as the council shall deem practicable. Each appointment by the council shall be made by a concurring vote of a majority of all the aldermen elect: *Provided*, That in case of a tie vote on making such appointments the

Appointments, when and how made.

Proviso.

mayor may vote and decide the tie and shall, if there be but one candidate voted for, declare said candidate to be either elected or rejected; if there be but two candidates voted for, for same office, declare which of said candidates shall stand elected; and if there be more than two candidates voted for, for same office, and none receive a majority vote of all the aldermen elect, but one of such candidates receives six votes, the mayor may, at his discretion, declare such candidate duly elected.

CHAPTER VII.

May remove
officers, when.

SECTION 3. The mayor, by and with the consent of the council, may remove any officer or member of any board appointed by the council, at any time when they shall deem it for the best interests of the city, and may suspend any member of the police force for neglect of duty. He shall have the authority at all times to examine and inspect the books, records, and papers of any agent, employee or officer of the city, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city, and shall receive four dollars for each meeting of the council.

Mayor, inspect
books, records,
etc.

Duties and
compensation.

Aldermen,
duties and
compensation.

SEC. 5. The aldermen of the city shall be members of the council and attend the meetings thereof, and act upon committees thereunto appointed by the mayor or council, and receive two dollars for each meeting of the council actually attended, as compensation. They shall be conservators of the peace, and as such they shall aid in maintaining quiet and good order in the city and in securing the faithful performance of duty by all officers of the city. No alderman shall hold the office of school trustee.

City treasurer,
when to pay
over moneys.

SEC. 16. The city treasurer shall pay over to the county treasurer all moneys collected by him on the county tax roll and belonging to the State or county, at the time and in the manner provided by the tax laws as now in force or as hereafter amended.

Compensation
of officers, how
fixed.

SEC. 30. The council shall annually determine the salary or compensation to be paid to the several officers of the city, subject to the limitations prescribed in this act. Such compensation for the services of the city officers shall be paid out of the city treasury in such sums as the council shall allow:

Proviso.

Provided, That the mayor shall be allowed as compensation for all services rendered, in addition to his services as a member of the board of water commissioners, the sum of four dollars for every meeting of the council; that each alderman shall be allowed, in addition to any sum as a member of the board of water commissioners, as compensation for all services rendered, the sum of two dollars for each meeting of the council actually attended. That the comptroller shall receive not to exceed one thousand dollars per annum besides his pay as a

member of the board of supervisors; the city clerk not to exceed one thousand dollars per annum besides his pay as a member of the board of supervisors; the treasurer not to exceed twelve hundred dollars per annum, besides his pay as a member of the board of supervisors; the chief of the police department not to exceed eight hundred dollars per annum; the city attorney not to exceed six hundred dollars per annum; the chief engineer of the water works not to exceed one thousand dollars per annum; the chief engineer of the fire department not to exceed eight hundred dollars per annum; the street commissioner not to exceed seven hundred fifty dollars per annum. Justices of the peace, constable and officers serving process and making arrests may, except as herein otherwise provided, when engaged in any cause or proceeding for violation of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Justices and constables, how paid.

Other officers, how paid.

CHAPTER VIII.

SECTION 2. The mayor shall be president of the council and shall preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall then vote and determine the pending question, whether it be appointments to office, resolutions, motions, or other transactions of said council.

Mayor to preside.
When may vote.

CHAPTER X.

SECTION 17. The justices of the peace of the city, except as herein otherwise provided, shall have exclusive original jurisdiction of all cases mentioned in the preceding section and shall also have exclusive original jurisdiction in all violations of the penal laws of the State, and in all criminal matters, causes, suits and proceedings whatsoever, relative thereto, committed within the corporate limits of the said city of West Bay City, and they shall also have original concurrent jurisdiction in all civil cases within the jurisdiction of justices of the peace, when either of the parties to the proceeding in such civil suit shall reside within the limits of the county of Bay.

Justices shall have original jurisdiction.

CHAPTER XX.

SECTION 2. Whenever the council shall deem it for the public interest, grounds, rights of way, buildings and necessary appurtenances for city prisons, work-houses, electric light or water works and other necessary uses, may be purchased, ac-

City buildings beyond corporate limits.

quired, leased, erected and maintained by the city beyond the corporate limits of the city, and in such cases the council shall have authority to enforce beyond the city limits and over such grounds, rights of way, buildings and property, in the same manner and to the same extent as if the same were situated within the corporate limits of said city, all such ordinances and police regulations as may be enacted for the care and protection thereof, and for the management and control of the persons kept or confined in any such prison, work-houses or otherwise.

CHAPTER XXVI.

Power relative
to water works.

SECTION 1. The city shall have power to purchase or construct new and to maintain, repair and extend existing water works, for the introduction of pure water into the city, supplying the city and vicinity and the inhabitants thereof with such water, for use in extinguishing fires and for such other ordinary and extraordinary purposes as the council may prescribe or the public good require.

Idem.

SEC. 2. The council, together with the board of water commissioners, hereinafter provided for, shall have authority in the manner herein designated, to acquire, purchase, construct and maintain either within or without the city, such reservoirs, canals, aqueducts, sluices, buildings, engines, water-wheels, pumps, hydraulic machines, distributing pipes and any and all other apparatus, appurtenances, appliances or machinery, and may acquire, purchase, appropriate and own. such grounds, real estate, rights and privileges, either within or without the city as may be necessary in the opinion of the council and said board of water commissioners for the securing, construction, extension or maintenance of such water works.

Board of water
commissioners.

SEC. 3. A board of water commissioners in and for the city of West Bay City is hereby created; said board of water commissioners shall be composed of the mayor of the city, who shall be ex officio president of said board; of two members of the council to be selected and appointed by the mayor, subject to the approval of the council, and of two resident citizens and taxpayers of said city. At once after the passage of this act if a majority of the council shall so direct the mayor shall designate two members of the council to act as members of said board of water commissioners and shall also nominate and appoint two resident citizens and taxpayers of said city to act as members of said board of water commissioners and submit such names to the council for its approval; in submitting the names of the two resident citizens and taxpayers aforesaid the mayor shall designate one of said citizens to serve as a member of said board for two years and one for four years;

Mayor ex-officio
president.
Council to
approve.

When ap-
pointed.

if the names so submitted, or either of them, shall be rejected by a majority vote of all the council elect, the mayor shall at once and without delay submit other names until four names shall have been submitted and approved by such majority of all the members elect of the council, and biennially thereafter, on the second Monday in April, the mayor shall appoint and the council approve in like manner one citizen and taxpayer as a member of said board, and whose term of office shall be four years from the second Monday in April of the year in which he is so appointed and approved by the council and until his successor shall have been appointed and qualified. Whenever a member of the council is appointed by the mayor and approved by the council as a member of said board of water commissioners he shall continue to serve on and be a member of such board of water commissioners as long as he is continuously a member of said council: *Provided*, That no alderman shall serve on said board for more than two years unless reappointed. All vacancies in said board caused by the expiration of the term of office of any member of the council, by resignation or otherwise, shall be filled in the same manner as herein provided for the first appointment. Of the citizens and taxpayers composing said board one of those first appointed shall serve on and be a member of said board until the second Monday in April, A. D. nineteen hundred one and the other until the second Monday in April, A. D. nineteen hundred three, and all members of said board shall serve until their successors have been duly appointed and qualified: *Provided*, That no alderman shall serve on said board after his term of office has expired and his successor has been duly elected and qualified. Each member of said board shall qualify by taking the oath of office as provided in the charter of the city, and they may be required by the council to furnish a bond in such sum and with such conditions as the council may by ordinance or resolution determine, and if the council shall at any time require such bond, either before or after the appointment of any member of such board and the same shall not be furnished within such time as the council shall designate, not less than ten days, such failure to furnish such bond satisfactory to the council shall *ipso facto* vacate the office of any member of said board, excepting the mayor, and such vacancy may be at once filled as hereinbefore provided.

When shall
submit other
names.

Biennial
appointments.

Provided.

Vacancies, how
filled.

Term of office.

Oath of office,
bond, etc.

Compensation.

Quorum.

SEC. 4. Each member of said board shall receive, in addition to any sum received as alderman or mayor, two hundred dollars for the first year that said board is created and fifty dollars per year thereafter, payable monthly at the same time and in the same manner that other officers of the city are paid.

SEC. 5. A majority of said board shall constitute a quorum for the transaction of business. As soon as convenient after said board has been appointed, the members thereof shall be called together by the president, in the council chamber of said city and shall at such first meeting, or as soon thereafter

Meeting, to
formulate
rules, etc.

Monthly
meetings.

Maps and
specifications.

Water, where
taken.

Estimate of
cost, etc.

Duty of council.

Limit may
borrow.

To fix time and
place of pay-
ment.

Bonds, term,
rates of inter-
est.

Proviso.

as may be, formulate rules and regulations for the government of said board, which rules and regulations shall be such as will promote the execution of the powers and duties conferred by this act. Said board shall thereafter meet at regular intervals at such time and place as may be determined by its rules, not less than once each month.

SEC. 6. At the first meeting of said board or as soon thereafter as may be, it shall prepare or cause to be prepared, detailed plans, maps and specifications of a system of water works which shall have in view the construction of an inlet pipe from some point on the Saginaw bay to be determined by said board so as to furnish to the city pure water from the Saginaw bay. Said board shall at the same time prepare an estimate of the cost of the construction of said inlet pipe, of the necessary engines, grounds, machinery and other apparatus and appurtenances as may by said board be deemed necessary to remodel the present system of water works and furnish water as contemplated by section one of this chapter. Said plans, maps and specifications, together with such estimated costs, shall be transmitted by said board together with any recommendations which it may deem expedient, to the council for its approval. The council shall consider any and all matters submitted to it by said board and may approve or reject the same, and may decrease the estimate so referred to it, but shall have no authority to increase such estimates. If the plans, maps, specifications and estimated cost shall be approved by the council, and if the council shall, by a two-thirds vote of all the aldermen elect, determine that it is expedient and for the best interests of the city to construct such inlet pipe and to carry out the recommendations of said board they shall so declare by resolution, and in such resolution the council shall determine how the expense of such construction shall be borne, whether by loan, by tax, or partly by loan and partly by tax; said council is hereby authorized, if it shall determine that it is necessary so to do by a two-thirds vote of all the aldermen elect, to borrow any sum of money, not exceeding one hundred and forty thousand dollars, to be used exclusively for the purposes herein provided for. The council shall have power to fix the time and place of the payment of the principal and interest of such debt or loan so contracted under the provisions of this chapter and to issue the bonds of the city therefor, running not less than thirty nor more than forty years, but the rate of the interest on such bonds shall not exceed five per cent per annum and such bonds shall not be sold for less than their par value; any limitations as to the amount of the bonded debt of the city shall be exclusive of any and all bonds issued or to be issued under the provisions of this chapter: *Provided*, That no bonds shall be issued until the estimates herein provided for shall have been submitted to the council by said board of water commissioners together with the recommendation that such loan be made and bonds issued.

SEC. 7. Before said board of water commissioners shall do any work, either in extending, repairing or altering the water works system, where the expense thereof shall exceed fifty dollars, it shall prepare or cause to be prepared plans, details and specifications together with an estimate of the cost thereof and submit the same to the council for its approval, and on the same being approved by the council, such approval shall be reported by the city clerk to said board, and said board shall at once proceed to make such extensions, repairs or alterations: if the expense of the same as estimated does not exceed five hundred dollars and the council shall so authorize, said work may be done by said board in any manner that it may deem for the best interests of the city; if the estimated expense exceeds five hundred dollars said board shall at once, on such approval by the council, proceed to advertise for sealed proposals and shall give such notice as it may deem sufficient, and shall let the contract to the lowest responsible bidder who shall in his bid conform to the requirements of such advertisement and who shall be deemed competent to do the work and shall give adequate security for the proper performance thereof, which letting shall be submitted to and approved by the council. Said board shall have the right to reject any and all bids and to readvertise, or it may, if it shall determine that the bid of the lowest responsible bidder is unreasonably high, direct and cause such improvement to be made, and shall, subject to the approval of the council, purchase the necessary materials and cause to be done everything material and necessary in making and completing such work or improvement. All contracts entered into by said board shall be submitted to the council for its approval and when so approved by the council shall be entered into and signed by the mayor, comptroller and city clerk, unless otherwise directed.

Work, how to proceed with.

Sealed proposals, to advertise for.

When to let to lowest bidder.

Security required.

Right to reject bids.
May be done by board.

Contracts, who shall sign.

SEC. 8. Whenever the water works system, or any part thereof, shall be constructed or operated outside the corporate limits of the city the council and said board shall have authority to enforce beyond the corporate limits of the city, and within the county of Bay, and over any and all buildings, machinery or other property belonging to or connected with such water works, in the same manner and to the same extent as if they, or it, were within the city, all such ordinances, rules and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

Authority beyond city limits.

SEC. 9. For the purpose of operating, constructing and maintaining or extending such water works, the city shall have the right to lay conduit pipes, aqueducts, or other necessary works, over or under any water course, or under and along any street, alley, lane, turnpike, road, railroad or other public highway, but not in such a manner as to obstruct the same or impede or prevent travel thereon; and the said board of water commissioners, its agents, servants, and other au-

Right to lay pipes.

Excavations to be restored to usual state.

thorized employees or contractors for and on its behalf, may at all times enter upon and dig up such street, alley, road or other public highway or lay pipes therein, or to construct works, beneath or above the surface thereof, but they shall at all times cause the surface of such streets, alleys, roads or other public highways to be relaid and restored to its usual state, and such right shall be continuous for the purposes of repairing and relaying water pipes or for other work in connection with such water works, and the electric light works if run in connection with the water works system, upon like condition.

May take private property.

SEC. 10. Whenever it shall be necessary in the judgment of said board of water commissioners to appropriate private property, either within or without the corporate limits of the city, for the construction, extension, maintenance or operation of the water works system, it shall so report to the council, and the council, if it shall deem the acquirement of such property necessary, may proceed to acquire the same, either by purchase or in the manner provided in this act, or in the general laws of the State for taking private property for public use.

Laws to govern.

Assessment roll, when to make.

SEC. 11. The said board of water commissioners shall annually, between the first day of May and the fifteenth day of June, cause to be prepared a complete assessment roll of the rates to be paid by the owners or occupants of each house, building or premises having or using water, upon such basis as it shall deem equitable and just, and shall file the same with the city treasurer for collection; all water rates shall be due and payable the first days of July and January, of each year, as per the above assessment, and at least ten days before such rates shall become due the said board of water commissioners shall issue or cause to be issued to every owner or occupant of any house, building or premises having or using water, a notice that the rate has been fixed at a certain price, naming it, when the same will become due, and that the water will be shut off if the rates are not paid at a certain time to be determined by said board, which time shall not in any case be more than thirty-one days from the time when such rates or assessments become due and payable; all water rates or assessments when fixed and determined as herein provided shall at once be and become a lien upon the house, building or structure and upon the lot or premises whereon the same may be situated: *Provided*, That when the water is furnished to a tenant, no such lien shall attach unless the said board shall cause to be served upon the owner of the lot or premises a written or printed or partly written and partly printed notice, which notice shall be similar to the notice hereinbefore provided for and shall also contain the information that such water rate or assessment will become a lien upon such premises if not paid. The notices provided for in this section may be given by mailing to the owner or occupant of the premises or to the last known postoffice address of the owner in cases

Rates, when due.

Notice to be given.
Water, when shut off.

To be a lien until paid.

Proviso.

May mail notices.

of tenancy. All water rates or assessments shall be for six months in advance in all cases, except where connections are made or the use of water is begun previous to the first days of January or July in which cases the rate or assessment shall be payable only to the first day of January or July next following. Said board of water commissioners, subject to the approval of the council, may provide for a system of water meters and determine the rates to be paid in such cases, and whenever meters shall be provided for, then the assessment of rates herein provided for shall not be applicable as to any house, building or premises using such meter; the rates or assessments for metered water shall be determined annually and shall become a lien in the same manner and to the same extent as herein provided for water used without a meter. The council shall have a right to provide by ordinance for additional rules and regulations as to the collection of water rates, metered or otherwise, by suit at law, by assessing the same upon the premises or otherwise as deemed advisable by the council.

Assessments,
when shall be
made, excep-
tions.

Meters, rates,
etc.

Additional
rules, how
provided for.

SEC. 12. Said board of water commissioners shall appoint one superintendent of the water department and as many and such assistants as in its judgment may be necessary for the efficient management of the water works; one chief engineer and as many assistants as may be necessary, and such other officers, agents, clerks, servants and employees as may be necessary for the proper and efficient management of the water works system, all of whom shall hold their respective positions during good behavior. Said board shall adopt rules and regulations for the government and defining the duties of all such appointees, and shall recommend to the council the salary or compensation to be paid to each, but the council shall fix and determine the amount of such compensation.

Shall appoint
superintendent
and assistants.

SEC. 13. All connecting and supplying pipes leading from buildings, lots or premises to the distributing pipes shall be inserted and kept in repair at the expense of the owner or occupant of such building, lot or premises, and no connection shall be made with any main or distributing pipe until permission therefor shall have been obtained from the board, and all such connecting or supply pipes shall be laid, constructed and connected in the manner prescribed by said board. Said board shall keep a complete record of all permits issued and of all connections made, and shall also, as soon as practicable after its organization, prepare or cause to be prepared maps showing all main pipes, their location, grade, connections heretofore made and such other information as may be deemed advisable or as may be directed from time to time by the council. All such maps and records shall be substantially bound and preserved in the office of said board.

Connecting and
supplying
pipes, how kept
in repair.

Permits issued,
records kept.

Maps and
records, how
preserved.

SEC. 14. All expenses incurred by said board in and about the work herein provided for shall be audited and allowed by said board and by it transmitted to the council; all bills so

Expenses shall
be audited, how
allowed.

transmitted to the council by said board shall be acted upon by the council in the same manner that other accounts against the city are audited and allowed.

Water tax,
amount, when
determined.

SEC. 15. Said board of water commissioners shall annually, on the last Monday in February, or as soon thereafter as may be, ascertain and determine the amount of money required to be raised by tax upon all of the taxable property of the city for the maintenance of the water works system, including extensions, for the ensuing year, and such statement when so prepared shall be certified to by the president of said board and filed with the city comptroller, to be by him laid before the council in the manner provided in section ten of chapter thirty of this act.

CHAPTER XXVII.

May purchase
or acquire
lighting plant.

SECTION 1. It shall be lawful for the city to acquire, purchase or to construct, operate and maintain either independently or in connection with the water works of the city, either within or without the city, works for the purpose of supplying the city and the vicinity thereof and the inhabitants, or either, with gas, electric or other lights, at such times and on such terms and conditions as are hereinafter provided.

CHAPTER XXXII.

Board of re-
view, who to
constitute.

SEC. 2. The board of review shall consist of the mayor, assessors, comptroller, city attorney and the senior alderman from each ward in the city and shall be paid, in addition to any other compensation provided for in this act, three dollars per day for each day said board is in session. Said board

Where to meet.

of review shall meet at the council rooms or at such other place as may be designated by the council, on the third Monday in June in each year, and continue in session from day to day, at least five hours each day, until the assessment roll shall have been fully and carefully reviewed, corrected and approved, which shall be on or before the fourth Monday in June: *Provided*, That the council shall have power to extend the time not exceeding six days. Said board shall have power and it shall be its duty to examine and correct any assessment or valuation, and to place upon the assessment roll in the proper ward any taxable property, real or personal, not already assessed, which may be held or owned by any person, persons or corporation, and to strike from such roll any property, real or personal, wrongfully thereon: *Provided*, That after the first day said board is in session, no assessment shall be increased, nor person or property added to such roll, except upon notice to the person to be affected thereby, served in the case of a resident of the city, personally or by leaving

Proviso.

Power and duty
as to assess-
ments.

Proviso.

the same at his usual place of abode at least twenty-four hours before any action is taken by the board in respect to such assessment, and in the case of a non-resident by one publication in the official newspaper of the city.

SEC. 7. It shall be the duty of the comptroller, under the direction of the council, whenever the city assessment roll shall have been completed, reviewed and corrected, in each and every year, to assess the taxes that have been ordered by the council to be levied for the year, upon all the taxable property of the city, or any ward or locality thereof, according and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year as approved by the board of review. Such assessment roll shall contain the school taxes hereinafter provided for, the taxes for the general funds of the city for the year, annexed to each valuation and carried out in a column thereof, and if there be other taxes assessed than for the said general fund such taxes shall be carried out in separate columns, and all special assessments ordered by the council, or required by the provisions of this act to be assessed in such roll against any description or descriptions of land, shall be carried out in separate columns, and the total amount of taxes and assessments shall be carried in the last column in such roll. The comptroller of said city shall thereupon deliver to the city treasurer on or before the first Monday in August a copy of said assessment roll with his warrant thereto attached, commanding said treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof set opposite their respective names, if paid on or before the thirty-first day of August next ensuing; and also one per cent interest per month for every month or fraction of a month upon all such taxes remaining unpaid after said thirty-first day of August, and it shall authorize the treasurer in case any person shall neglect or refuse to pay his tax and said interest if any, to levy the same by distress and sale of the goods and chattels of such person and to retain the said tax roll in his hands for the purposes therein specified, and to return said roll to said comptroller on the first day of November next ensuing.

When comptroller to certify.

Assessment roll, what shall contain.

Comptroller to deliver roll to treasurer with warrant.

In case taxes are not paid.

SEC. 8. The treasurer upon receiving such tax roll shall give notice to the tax payers of the city, that such assessment has been delivered to him and that the taxes therein assessed can be paid to him at his office in said city at any time on or before the thirty-first day of August without interest, and that interest at the rate of one per cent a month or fraction of a month will be added to all taxes remaining unpaid on said thirty-first day of August, which notice shall be given by publishing the same in the official newspaper of the city, and by posting the same in at least three public places in each of the wards of said city; an affidavit or affidavits showing the publication and posting of said notices shall be filed in the office

Treasurer to give notice on receipt of roll.

Treasurer to be at his office daily.	of the city clerk of the city, and it shall be the duty of the treasurer during said time to be at his office daily during reasonable office hours to receive payment of said taxes: <i>Pro-</i>
Proviso.	<i>vided</i> , In case such treasurer is justly apprehensive of the loss of any personal tax he may collect the same by levy and distress, at any time, under his warrant, or bring suit in the name of the city to recover the same, and in case of seizure of property or suit brought he shall add five per cent for collection fees in addition to the other costs and charges connected with such levy or suit.
Personal notice to be given.	SEC. 9. The treasurer shall also forthwith cause notice to be served upon, or mailed to, each person whose name appears upon such roll, notifying him that the city roll is in the hands of said treasurer, that the taxes and assessments charged to him upon said roll are due, that the same may be paid at any time on or before the thirty-first day of August without interest and that after said thirty-first day of August interest will be added upon all taxes remaining unpaid at the rate of one per cent per month or fraction of a month. In case any person named in said roll shall refuse or neglect to pay any tax on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person wherever the same may be found within the county of Bay; and thereupon the treasurer shall possess all the powers, and be subject to all the duties conferred and imposed by the general tax laws of the State of Michigan as now in force or as hereafter amended.
Levy and sale of goods when tax not paid.	
When treasurer to collect interest.	SEC. 10. Upon all taxes paid on or before the thirty-first day of August in each year, no interest shall be added. Upon all taxes paid after that time the treasurer shall collect interest computed at the rate of one per cent per month or fraction of a month. Such interest shall become a part of said tax, and such tax and interest shall be collected by said treasurer in
When roll to be returned to comptroller.	the same manner and at the same time. Within ten days after the return day mentioned in said warrant the treasurer shall return said city tax roll to the comptroller. All taxes collected as city taxes shall be applied to fill the city fund, taxes collected as school taxes shall be applied to fill the school fund, taxes assessed and collected as street district taxes in each street district shall be applied to fill the street district fund of that district and all other taxes shall be applied to the funds and purposes for which they are levied.
Duty of comptroller when tax not paid.	SEC. 12. If any tax assessed upon the city tax roll against any person or upon any property, real or personal, shall remain unpaid at the time of the return of such tax roll to the comptroller, the comptroller shall enter and assess the amount of said taxes, together with the interest accrued thereon computed at the rate of one per cent for each month or fraction of a month added thereto upon said "county tax roll," opposite to and against the same person and property. The different taxes to be assessed upon said "county tax roll" shall be en-
How tax entered in roll	

tered in the different columns as follows: the State tax, in a column headed "State Tax," the county tax in a column headed "County Tax," the bridge tax in a column headed "Bridge Tax," the stone road tax in a column headed "Stone Road Tax," district sewer tax in a column headed "District Sewer Tax," lateral sewer and street improvement tax in a column headed "City Special Improvement Tax," school tax in a column headed "School Tax," all other city taxes in a column headed "General City Taxes," and any other tax provided by the tax laws of the State in a separate column with an appropriate and proper heading.

SEC. 14. The comptroller shall deliver the county tax roll with his warrant attached thereto, to the treasurer of said city on or before the first Monday of December. Said warrant shall be under the hand of the comptroller commanding said treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof set opposite their respective names, and also one per cent interest per month for each month or fraction of a month upon such taxes remaining unpaid after January thirty-first, and it shall authorize the treasurer in case any person shall neglect or refuse to pay his tax, and interest if any, to levy the same by distress and sale of the goods and chattels of such person, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes on or before the first day of February then next ensuing.

County tax roll with warrant to be delivered to treasurer.

SEC. 15. Upon receiving said county tax roll and warrant said treasurer shall forthwith cause notice to be served upon or mailed to each person whose name appears upon said roll, notifying them that said tax roll is in the hands of said treasurer and that a tax assessed thereon against said person is now due and that if said tax is not paid on or before the thirty-first day of January then next ensuing, interest will be added thereto at the rate of one per cent per month or fraction of a month. Said treasurer shall possess the same powers and be charged with like duties under and in respect to the county tax roll and warrant thereto annexed, as is prescribed in respect to the city tax roll and warrant thereto annexed; and he shall also possess all of the powers, be subject to all of the liabilities, discharge all of the duties prescribed by general law for township treasurers in respect to the collection of taxes, the paying over and accounting for moneys received for taxes, the return to the county treasurer of property delinquent for taxes and in respect to all other matters pertaining to the subject of taxes and taxation, except as herein otherwise provided.

Notice to be given on receipt of roll.

Treasurer to have same powers with regard to county tax roll as to city tax roll.

SEC. 16. No collection fee shall be charged or collected by the treasurer on any taxes on said county tax roll; on all taxes paid prior to the thirty-first day of January after said roll is placed in the hands of the treasurer, the face of the tax, only.

No interest charged on taxes before January thirty-first.

without interest shall be collected; on all taxes paid after said thirty-first day of January interest shall be collected at the same rate and in the same manner as is herein provided in respect to taxes collected upon the city tax roll.

CHAPTER XXXIII.

Notice of estimates to be published.

Board shall publish statement of number of schools, teachers, etc.

Board shall make report to comptroller.

Proviso.

Acts repealed.

SEC. 13. The board shall during the last week of the month of February in each year or as soon thereafter as may be, prepare and publish in the official paper of the city the estimates required to be made as in the next section mentioned. The board shall also during the last week of the month of August of each year, publish a statement of the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and of the branches of education pursued in such school and at the same time make and publish a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amount of salaries paid to teachers and employees and to whom paid, the obligations incurred during the year, the amount of indebtedness outstanding and to whom payable, all of which shall be recorded with the proceedings of said board.

SEC. 14. The board shall also make and deliver to the comptroller annually at the time mentioned in the preceding section, or as soon thereafter as may be, an estimate and report of the several amounts necessary to be raised, in addition to other school funds, for the entire support of the public schools, including fuel, pay of teachers, repairs and other incidental expenses, the payment of interest and indebtedness falling due, the purchase of grounds and construction of school buildings and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying objects of expense, as particularly as may be; said estimates shall be certified to the comptroller by the clerk of said board and the comptroller shall report the same to council; the council shall cause to be raised by tax upon all of the taxable property of the city the several amounts so severally reported to them: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and for the erection of buildings and for all of the other purposes above mentioned shall not exceed one and one half per cent on the dollar of the taxable valuation of the real and personal property in the city as shown by the tax roll for the preceding year.

All acts and parts of acts in any wise contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 12, 1899.

[No. 354.]

AN ACT to annex certain territory of the township of Portage, in the county of Houghton, in this State, to the village of Houghton.

The People of the State of Michigan enact:

SECTION 1. The following described territory in the township of Portage, in the county of Houghton, in this State, be and the same hereby is annexed to the village of Houghton, and embraced within the corporate limits of said village, viz.: Territory annexed.
All of lots four and five of section thirty-five, in township fifty-five north of range thirty-four west, lying south of the present boundary line of the said village of Houghton, said boundary line as now established across said lands being as follows, viz.: Description.
Commencing at a point on the section line between sections thirty-five and thirty-six, in said township fifty-five north of range thirty-four west, twenty-nine and one-half feet north of the quarter post on said line, running thence north, eighty-nine degrees and fifty-four minutes west, twenty-six hundred seventy-nine feet to the north and south subdivision line of said section thirty-five; also all of the northwest quarter of the southwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, and all that part of the northeast quarter of the southeast quarter lying south of the present boundary line of said village of Houghton, which boundary line is now established as described in act number two hundred twenty-nine, local acts of the legislature of the State of Michigan of the year eighteen hundred ninety-three, all in section thirty-six, in township fifty-five north of range thirty-four west; also all that part of lot number seven of section thirty-one, in township fifty-five north of range thirty-three west, lying south of the present boundary line of said village of Houghton, which boundary line is now established as described in said act number two hundred twenty-nine.

SEC. 2. The territory herein described and hereby annexed to said village, with its inhabitants, shall have and enjoy all the rights and benefits, and shall be subject to all the laws, ordinances and regulations which shall at any time be in force in said village, and shall in all respects be subject to its municipal government, as an integral portion thereof, and liable to assessment and taxation as such, and shall cease to be subject to the regulations or government of said township of Portage: Rights of inhabitants, etc.
Provided, however, That the annexation of said territory shall not be held to interfere with or prevent the levying, collection or disposition by said township of any tax levied or assessed upon any of the lands hereby annexed to said village for the year eighteen hundred ninety-eight, or previous years, for state, county, school, highway or township purposes; and Proviso.

How valued and equalized. *Provided further,* That the lands and property so annexed to said village shall be listed, valued and equalized for assessment and taxation for village and all lawful purposes under the assessment laws of the State, and the laws of this State relating to villages, at the time and in the manner provided for in said laws, in the year eighteen hundred ninety-nine, and each year thereafter, and the taxes and assessments thereon shall be levied, collected, accounted for and returned as other taxes.

Laws to govern. SEC. 3. All the provisions of law relating to said village of Houghton, as they now exist, and all amendments thereof hereafter made, and all pertinent provisions of law, as well as all by-laws, rules, regulations and ordinances of the said village of Houghton, shall apply to said annexed territory with the same effect as to all other territory within said village.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 355.]

AN ACT to change the date for the holding of the Annual Election and School Meeting for the Township School District of the Township of Crystal Falls, in Iron County.

The People of the State of Michigan enact:

Annual school meeting; change of date. SECTION 1. The annual election of officers and the transaction of the business pertaining to the annual school meeting for the township school district of Crystal Falls, in the county of Iron, which school district has been heretofore incorporated under the provisions of act number one hundred seventy-six, of the laws of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the Upper Peninsula," approved June thirty, eighteen hundred ninety-one, shall hereafter be held on the second Monday in July, and shall be conducted in all other respects in accordance with the statutes relative to the holding of township meetings and the annual meetings of school districts.

Present officers hold over. SEC. 2. The present officers of the township school district of Crystal Falls shall continue to hold office and administer the affairs of said district, until their successors are elected and qualified, in accordance with the provisions of section one of this act.

This act is ordered to take immediate effect.

Approved March 30, 1899.

[No. 356.]

AN ACT to amend section one hundred of act number three hundred thirty-one of the local acts of Michigan of the year eighteen hundred eighty-nine, approved March fifteenth, eighteen hundred eighty-nine, entitled "An act to re-incorporate the city of Ann Arbor, revise the charter of said city, and repeal all conflicting acts relating thereto."

The People of the State of Michigan enact:

SECTION 1. Section one hundred of act number three hundred thirty-one of the local acts of Michigan of the year eighteen hundred eighty-nine, approved March fifteenth, eighteen hundred eighty-nine, entitled "An act to re-incorporate the city of Ann Arbor, revise the charter of said city, and repeal all conflicting acts relating thereto," shall be and the same hereby is amended to read as follows: Section amended.

SEC. 100. All actions against the city of Ann Arbor shall be commenced by summons, which shall be served upon the city clerk at least six days before the return thereof, by giving him a copy of said summons, with the name of the officer serving the same endorsed thereon; or in case of the absence of the said city clerk from the city, then by leaving such copy with the mayor, endorsed as aforesaid: *Provided*, That no suit shall be maintained against the city until the claim whereon the same is founded shall have been presented to the common council of said city, duly verified, at a regular meeting of the same, for allowance, and until after one regular meeting of the common council shall intervene: *And provided further*, That all claims for damages against the city growing out of the negligence or default of said city, or of any officer, or employe thereof, shall be presented to the common council of said city, in the manner above provided, within six months after such claim shall arise, and in default thereof shall thereafter be forever barred; and in any action in any court on any such claim, the claimant shall be required to show that such claim has been duly presented, in the manner in this act specified, to the common council of said city. Actions, how commenced. Provided. Further proviso. Claims, when barred. Claimant, what to show.

Approved March 30, 1899.

[No. 357.]

AN ACT to authorize the Board of Supervisors of the County of Saginaw to purchase and maintain the State Road Bridge across the Tittabawassee River, in the County of Saginaw, known as Paine's bridge, and the approaches and appurtenances thereto, and to issue bonds for that purpose.

The People of the State of Michigan enact:

May purchase
and maintain
bridge.

Cost limited.
May issue
bonds.

SECTION 1. That the Board of Supervisors, for and in behalf of the county of Saginaw, may purchase and maintain the State road bridge across the Tittabawassee river in the county of Saginaw, known as Paine's bridge and the approaches and appurtenances thereto, at a cost not exceeding thirteen thousand dollars, and to issue the bonds of the county for that amount for that purpose.

This act is ordered to take immediate effect.

Approved April 6, 1899.

[No. 358.]

AN ACT authorizing the Light and Power Commission of the City of Marquette to acquire, take and hold Lands, Water Powers and other interests in lands necessary to carry out the objects and purposes of said commission.

The People of the State of Michigan enact:

May acquire
property.

May take pri-
vate property.

Laws applica-
ble to taking
private prop-
erty.

SECTION 1. That the light and power commission of the city of Marquette, incorporated under act number three hundred and fifty-three of the local acts of the legislature of the year eighteen hundred and ninety-seven, be and the same is, and the commissioners thereof are hereby authorized and empowered to acquire and hold such lands, water powers, rights of flowage, water storage, riparian rights, rights of way, and other easements and interests in and appurtenant to lands within said city, and in the watershed of Dead river west of the line between ranges twenty-six and twenty-seven west, as such commissioners shall deem necessary to enable them to carry out the objects and purposes of said commission named in said act of incorporation, and they are hereby authorized and empowered to take private property within said city and in said portion of the watershed of Dead river for such purposes within the limitation of the State constitution, and to institute and prosecute proceedings for that purpose.

SEC. 2. Such proceedings may be commenced and prosecuted under and shall conform as near as practicable to the provisions of act number one hundred and forty-four of the public acts of the legislature of the year eighteen hundred and eighty-three as now or hereafter amended, or under any general act hereafter enacted by the legislature for the taking of private property by municipalities for public use; and for that purpose and in respect to such lands or interests in lands taken or proposed to be taken, the said commission shall have and exercise all the rights and privileges and be subject to all the

liabilities imposed upon the common council of any city, the trustees of any village, or the board of supervisors of any county by any act under which such proceedings are had for the taking of private property.

SEC. 3. In such proceedings taken by said commission the secretary and treasurer of said commission shall perform respectively, all the duties required of any city, village or county clerk, and of any city, village and county treasurer, by any act under which such proceedings may be had, and it shall be the duty of the city attorney of the city of Marquette to conduct and prosecute such proceedings on behalf of said commission.

Duties of certain officers.

Whom to prosecute.

SEC. 4. In addition to the rights which said commission has or may have in and to the ordinary flow of the waters of Dead river, said commission shall have the right, paramount to the rights of all other parties, to the uninterrupted flow and use of such increase in the flow of the waters therein as is or may be due to the release of waters which have been stored or impounded by such commission, and whenever the flow of the waters at any place on said river, or branches thereof above the water power plant of said commission is increased by the release of waters which have been stored or impounded by said commission, such increased flow of waters shall not be stopped, held back, retarded or delayed by any person; and any violation of this section shall be punishable by a fine not exceeding one hundred dollars in amount, or by imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment in the discretion of the court.

Additional rights of commission.

Penalty for violation of this section.

All acts or parts of acts contravening any part of this act are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved April 6, 1899.

[No. 359.]

AN ACT to change the name of Anna Bertha Marr to Anna Bertha McCrillis.

The People of the State of Michigan enact:

SECTION 1. That the name of Anna Bertha Marr, of the city of Cheboygan, county of Cheboygan and State of Michigan, be and the same is hereby changed to Anna Bertha McCrillis.

Name changed.

This act is ordered to take immediate effect.

Approved April 6, 1899.

[No. 360.]

AN ACT to amend sections two, three and four of chapter eight, of the act entitled "An act to revise the Charter of the City of Negaunee, in Marquette County, being amendatory of an act entitled 'An act to incorporate the City of Negaunee, in Marquette County,' " approved April eleventh, eighteen hundred and seventy-three, and the acts amendatory thereof.

The People of the State of Michigan enact:

Sections amended.

SECTION 1. That sections two, three and four of chapter eight, of an act entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act entitled 'An act to incorporate the City of Negaunee, in Marquette county,' approved April eleventh, eighteen hundred and seventy-three, and the acts amendatory thereof," be and the same are hereby amended so as to read as hereinafter contained.

CHAPTER VIII.

Who to constitute board of review, when and where to meet.

SEC. 2. On the second Monday of June, and on the day following in each year, it shall be the duty of the common council to meet at nine o'clock in the forenoon of said days at the common council rooms, and the said common council, or a majority of the members thereof, when so assembled together as aforesaid, shall constitute a board of review, for the purpose of reviewing the assessment roll of said city and shall proceed to examine and review the same in accordance with the provisions of the general laws of this State relative to the assessment and collection of taxes. Said board of review shall possess all the powers which are conferred on boards of review of townships by the general law relative to taxation in this State.

Powers.

Second meeting, sessions, etc.

SEC. 3. Said board of review shall also meet at the common council rooms on the third Monday in June, in each year, at eight o'clock in the forenoon, and continue in session during that day and the day following. Such board shall continue in session at least eight hours each day. At the request of any person whose property is assessed thereon, or of his agent, and on sufficient cause being shown, shall correct the assessment as to such property in such manner as in their judgment will make the valuation thereof relatively just and equal. To that end said board may examine on oath the persons making such application, or any other person, touching the matter. Any member of said board may administer such oath. When said board has reviewed and completed the assessment roll, it shall be their duty or the duty of the ma-

Duties.

May examine on oath, etc.

jority of the members of said board, to attach to said roll signed by them, a statement which may be in such form as the general laws of this State relative to the assessment and collection of taxes shall provide. No omission of such endorsement, or any irregularity therein, shall be held to invalidate said roll. Nor shall any tax assessed upon any property, or sale thereof, in the city of Negaunee, be held invalid by any court of this State, on account of any irregularity in any assessment, or on any account of any assessment or tax roll not having been made or proceedings had within the time provided by law, or on account of the property having been assessed without the name of the owner, or on account of any other irregularity, informality or omission, or want of any matter of form or substance in any proceeding that does not prejudice the property rights of the person whose property is taxed. And the same shall be presumed by all courts of this State to be legal until the contrary is affirmatively shown. The same shall be construed and given effect in accordance with the provisions of act number two hundred six of the public acts of eighteen hundred ninety-three, of this State, and any act or acts amendatory thereof, or supplementary thereto, that may be hereafter enacted.

May attach certificate.

What not to invalidate roll.

How deemed by courts.

Laws to govern.

SEC. 4. The members of said board may make such statement from such knowledge as they may possess or can acquire while sitting on said board.

How members to make statement.

This act is ordered to take immediate effect.

Approved April 6, 1899.

[No. 361.]

AN ACT to authorize the City of Detroit to pay certain Claims contracted by the City for the Entertainment of the League of American Municipalities.

The People of the State of Michigan enact:

SECTION 1. That the common council of the city of Detroit be and are hereby authorized to pay from the contingent fund of said city the sum of three thousand two hundred and twenty-six dollars and seven cents, being the balance of the amount due upon the claims contracted for the entertainment of the League of American Municipalities on the occasion of the convention of said league held at the city of Detroit in the month of August, eighteen hundred ninety-eight.

Council to pay certain claims.

This act is ordered to take immediate effect.

Approved April 12, 1899.

[No. 362.]

AN ACT to amend section one of chapter eleven of an act entitled "An act to provide a charter for the City of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three.

The People of the State of Michigan enact:

Section amended. Acts repealed.	SECTION 1. That section one of chapter eleven of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, be and the same is hereby amended so as to read as follows:
Moneys, how divided.	SECTION 1. The revenues and moneys of the corporation shall be divided into the following funds, viz.:
General fund.	First, General fund, which shall be appropriated to defray the expenses of the city of Detroit, for the payment of which, out of some other fund, no provision is herein named;
Contingent fund.	Second, Contingent fund, to defray the contingent expenses of said city;
Interest fund.	Third, Interest fund, to pay the interest on the funded debt of the city;
Sinking fund.	Fourth, Sinking fund, to pay the funded debt of said city;
Fire commission fund.	Fifth, Detroit Fire Commission fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus and all other expenses necessary to maintain the fire department of said city;
Poor fund.	Sixth, Poor fund, to defray the expenses of providing for and taking care of the poor of said city;
General road fund.	Seventh, General Road fund, to defray the expenses of repairing paved streets and alleys, and of grading, paving and improving the highways, streets and alleys of said city, in front of or adjacent to the property of the corporation, and to defray the expenses of constructing and repairing crosswalks in the several wards of the city;
District road fund.	Eighth, District road fund for each ward of the city, to defray the expenses of working, repairing, cleaning and improving the highways, streets and alleys in the ward for which such district road fund is constituted and raised;
Sewer fund.	Ninth, Sewer fund, to defray the expenses of constructing sewers in said city;
Street opening fund.	Tenth, Street opening fund, to defray the expenses of opening, widening, vacating, altering, straightening, extending or abolishing any highways, streets, alleys or avenues in said city;
Paving fund.	Eleventh, Street paving fund, to defray the expenses of grading, paving and graveling, macadamizing or planking highways, streets, alleys, sidewalks and crosswalks in front of, or adjacent to private property, and of putting curbstones and culverts therein;

Twelfth, Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for, which fund shall from time to time be divided into special building funds, to defray the expense of erecting, repairing and preserving the particular building or buildings for which such special building fund may be constituted or raised; **Building fund.**

Thirteenth, Recorder's court fund, to maintain the recorder's court; **Recorder's court fund.**

Fourteenth, Public lighting fund, to defray the expense of lighting the public streets, parks, alleys and public places, public markets and public buildings of said city; **Lighting fund.**

Fifteenth, Deficiency fund, to cover the deficiency in the various other funds caused by the failure to collect taxes appropriated to such funds in any fiscal year. There shall be paid into said deficiency fund all back taxes collected for all years previous to the fiscal year then current, and at the close of each fiscal year the controller shall transfer from the deficiency fund to each fund for which an appropriation was made by taxation that year, the amount of money remaining uncollected of said appropriation. If there shall not be sufficient money in said deficiency fund at the close of any fiscal year to cover the amount of the entire tax levy for that year remaining uncollected, the controller shall transfer from the moneys received from liquor license an amount equal to the difference between the total uncollected taxes for that year and the amount of money in the deficiency fund: *Provided*, That of the moneys received from liquor licenses during each fiscal year not less than fifty thousand dollars shall be held in reserve for the purpose of making the transfer as above provided. If at any time during the year, the receipts from taxes for any fund shall be insufficient to pay the expenses for which said fund is constituted within the appropriation therefor, the common council may direct the controller to advance to said fund from the deficiency fund an amount not to exceed the amount of taxes for that year due said fund and remaining uncollected; the amount of taxes thus advanced shall upon their collection be credited direct to the deficiency fund. **Deficiency fund.**

Sixteenth, Garbage fund, for defraying the expense of the removal and destruction of garbage and vegetable and animal refuse from said city; **Garbage fund.**

Seventeenth, Such other funds as the common council may constitute for special purposes, nor inconsistent with nor to be taken from any of the foregoing mentioned funds. **Other funds.**

This act is ordered to take immediate effect.

Approved April 10, 1899.

[No. 363.]

AN ACT to authorize the Barry County Agricultural Society to dispose of certain property, and invest its proceeds.

The People of the State of Michigan enact:

May sell real estate.

SECTION 1. Whenever the said Barry County Agricultural Society, a majority of its directors being present and voting therefor, at any meeting of its directors regularly called, shall order the sale of the real estate or fair grounds of said society, situated in the city of Hastings, in the county of Barry, it shall be competent for the president and secretary, and they are hereby authorized and empowered, to sell the same, either at public or private sale, as the said board of directors may order, and to make a good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof.

Proceeds, how disposed of.

SEC. 2. If a sale is made under the authority conferred by section one of this act, the proceeds of such sale, after the payment of all debts and liabilities of said Society, three of its directors being present and voting therefor, at any meeting of its board of directors regularly called, shall be paid to any regularly incorporated society, which may now or hereafter be organized for exhibition and exposition purposes, to be used only for the purpose of purchasing and fitting up grounds for exhibition and exposition purposes in said city of Hastings.

This act is ordered to take immediate effect.

Approved April 11, 1899.

[No. 364.]

AN ACT to detach certain Territory from the Village of Muskegon Heights, County of Muskegon, and attach the said Territory to the Township of Norton in said County.

The People of the State of Michigan enact:

Territory detached.

Territory attached.

Description.

SECTION 1. That the following pieces of land in the county of Muskegon and State of Michigan, bounded and described as herein set forth, is hereby detached from, and shall cease to be a part of the village of Muskegon Heights in the county of Muskegon, and is hereby attached to and shall hereafter become and be a part of the township of Horton in the county of Muskegon. Said pieces of land are described as follows: The east one-half of section nine, township nine north, of range sixteen west; and lot three of section nine, township nine

north, range sixteen west; and lots five, six and seven of section eight, township nine north, range sixteen west, and all that fractional part of the southeast quarter of the southwest quarter of section seven, lying south of Mona lake in town nine north, of range sixteen west, all in said county of Muskegon, Michigan.

SEC. 2. All acts or parts of acts in any wise contravening the provisions of this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved April 12, 1899.

[No. 365.]

AN ACT to provide for additional Powers vested in the Board of Supervisors for the County of Muskegon.

The People of the State of Michigan enact:

SECTION 1. That the board of supervisors of the county of Muskegon shall have power: Board of supervisors to designate depository.

First, To designate a bank or other depository for the care and custody of the county moneys and funds; the same to be designated at the first meeting of said board of supervisors in the year eighteen hundred ninety-nine, and thereafter annually in the month of January, on a notice to be published daily for three days in a daily paper published in the city of Muskegon, setting forth that said county moneys will be let out to the bank or depository paying the highest rate of interest on daily balances: *Provided*, That said depository or bank shall give a bond to the board of supervisors of Muskegon county, with sufficient sureties, to be approved by said board, and in such amount as the board may direct, conditioned for the faithful care and custody of the moneys so deposited with said bank or depository; Proviso as to bond.

Second, To prescribe and direct that all moneys of said county of Muskegon shall be deposited in such bank or depository so designated, daily; Money, daily deposit of.

Third, To prescribe and direct that all moneys of said county of Muskegon shall be paid out only on the order of the chairman of the board of supervisors of said county, countersigned by the clerk of said board, except poor orders and orders drawn by the board of county road commissioners. How paid out.

SEC. 2. Any officer who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both. Penalty.

Acts repealed.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 12, 1899.

[No. 366.]

AN ACT to form and incorporate fractional school district number one of the townships of Verona, Colfax, Meade and Lincoln, Huron county, Michigan.

The People of the State of Michigan enact:

Territory
included.

SECTION 1. The following described territory, to-wit: sections five, six, seven and eight in Verona township; all of section one, except the west half of the west half of the southwest quarter, and the east three-quarters of section twelve, in Colfax township; the east three-quarters and the west half of the southwest quarter of section thirty-six, in Meade township; and the south half of section thirty-one, in Lincoln township, all being in Huron county, Michigan, and such additional territory as shall hereafter be admitted to said district by the board of school trustees thereof, when authorized by the boards of school inspectors of said townships of Verona, Colfax, Meade and Lincoln, shall form and constitute a single independent school district, to be known and designated as

District, name
of.

“Fractional School District number one of the townships of Verona, Colfax, Meade and Lincoln,” and said district shall have all the powers and privileges conferred by general law, and hereafter all the schools organized therein in pursuance of this act, under the direction of the school board, shall be public and free to all children, actual residents within the limits thereof, between the ages of five and twenty years inclusive.

Laws to govern

SEC. 2. Except as herein otherwise provided said school district and its officers shall be subject to the provisions of chapter one hundred ninety-six of Howell’s Annotated Statutes, relating to public instruction and public schools, and acts amendatory thereof.

This act is ordered to take immediate effect.

Approved April 12, 1899.

[No. 367.]

AN ACT to disorganize the Village of Carrollton in the County of Saginaw, and to provide for the disposition of its property and assets, and the payment of its debts and obligations.

The People of the State of Michigan enact:

SECTION 1. The village of Carrollton, in the township of Carrollton, in the county of Saginaw, is hereby disorganized, and its corporate powers and existence terminated. Village disorganized.

SEC. 2. All property, real and personal, belonging to said village of Carrollton, of whatsoever name or nature, shall, upon this act taking effect, vest in and belong to the township of Carrollton; and the said township of Carrollton shall pay the legal indebtedness of said village outstanding at the time this act takes effect. And, for the purpose of preserving the chain of title, the president and clerk of said village shall, within sixty days after this act takes effect, execute a conveyance of the real estate owned by said village to the township of Carrollton, which conveyance shall be acknowledged and recorded. Property, how disposed of.

SEC. 3. Upon this act taking effect the clerk and all other officers of said village, except the treasurer, shall deliver all books, papers and other property in their possession, belonging to said village, to the clerk of said township of Carrollton, and the treasurer of said village shall pay over all moneys in his hands, belonging to said village, to the treasurer of said township, and shall also deliver to said township treasurer any and all tax rolls and evidences of debt, vouchers and other property in his hands, belonging to said village; and said township treasurer is hereby authorized to collect all taxes that may be due or delinquent from any person or persons to said village in the same manner that the treasurer of said village could if this act was not passed, and shall have the same power for such purposes as said village treasurer would have had if this act had not been passed. All rights of action which may have accrued to said village of Carrollton shall survive and belong to said township of Carrollton and may be enforced by said township in its own name, and all debts and liabilities of said village of Carrollton as existing when this act takes effect shall be assessed and paid by said township of Carrollton. Debts, how paid.

SEC. 4. Nothing in this act shall be so construed as to deprive any person or persons of a right of action against said village of Carrollton for any demand accruing before this act shall take effect, and all lawful claims and demands against said village may be prosecuted to final judgment and recovered in the same manner as might be done were this act not in existence; and whenever suit shall be brought against said village after the passage of this act service of process may be Real estate, how conveyed.

Officers to turn over books, money, etc.

Rights of action.

Claims and demands, how prosecuted.

made upon the supervisor of the township of Carrollton. In case any judgment shall be recovered against the village of Carrollton after the passage of this act the same shall be reported to the supervisor of the township of Carrollton in the same manner as a judgment against said township would be, and shall be by him assessed upon the property of the township of Carrollton and shall be collected as other taxes are collected and shall be paid over to the judgment creditors when collected in the same manner as judgments against townships are paid.

Majority of
electors to
determine.

SEC. 5. This act shall not take effect unless a majority of the qualified electors of said village of Carrollton, voting at a special meeting of the electors of said village to be held in said village, called for that purpose on Monday the twenty-fourth day of April, eighteen hundred ninety-nine, shall so determine. And it is hereby made the duty of the board of trustees of said village to give due notice that the question of disorganizing said village will be voted on at said special meeting, by posting in five public places in said village, not less than six days before said election, written or printed notices, which notices shall state the purposes of such meeting, and that the electors of said village will have an opportunity to vote at such special meeting as to whether said village will be disorganized or not, in accordance with the provisions of this act.

Ballots, form
of.

SEC. 6. The vote upon such proposition shall be by ballot, either written or printed, or partly written and partly printed. Ballots in favor of said disorganization shall be in the following words: "For disorganization," and ballots against such disorganization shall be in the following words: "Against disorganization;" and it shall be the duty of the board of trustees of said village to provide at the polls of such election, during the whole time that the same shall be opened, a sufficient number of ballots, both for and against such proposition, printed or written in the form above indicated, and to furnish the same to all electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other village elections. Immediately upon the conclusion of such canvass, the inspectors of such election shall make and sign a certificate, showing the whole number of votes cast upon such proposition, and the number for and against, respectively; and not later than the third day following such election said inspectors shall endorse upon said certificate, in writing, over their hands, the result of said election, which declaration and certificate shall then forthwith be filed by them with the clerk of said village, and it shall thereupon be the duty of the clerk of said village, within two days from the time of receiving the same, to file said certificate so endorsed with the clerk of said township of Carrollton. If a majority of the electors voting at said election shall vote for

Election, how
conducted.

disorganization, then this act shall be in effect and operative from and after such election.

This act is ordered to take immediate effect.

Approved April 12, 1899.

[No. 368.]

AN ACT to amend section one of act number three hundred ninety-six of the local acts of Michigan, eighteen hundred ninety-five, entitled "An act to provide for the organization of a fractional school district in the Townships of Brady and Chesaning, in the County of Saginaw, and in the Townships of New Haven and Rush, in the County of Shiawassee, State of Michigan, to be known as the Oakley Public School District."

The People of the State of Michigan enact:

SECTION 1. That section one of act number three hundred ninety-six of the local acts of Michigan, eighteen hundred ninety-five, entitled "An act to provide for the organization of a fractional school district in the townships of Brady and Chesaning, in the county of Saginaw, and in the townships of New Haven and Rush, in the county of Shiawassee, State of Michigan, to be known as the Oakley Public School District." be amended so as to read as follows: Sections amended.

SECTION 1. That the territory described as the north half of section twenty-five, and the southeast quarter of section twenty-five, and the east half of the southwest quarter of section twenty-five, and the east half of section thirty-six, and the southwest quarter of section thirty-six, and the east half of the northwest quarter of section thirty-six, and the southwest quarter of the northwest quarter of section thirty-six, of township number nine north of range two east, and that part of sections thirty and thirty-one that have been detached from the township of Chesaning and attached to the township of Brady, in Saginaw county; and the southwest quarter of section nineteen, town nine north of range three east; also all that part of the northwest quarter of section six lying east of the Shiawassee river, and the north part of the west part of the northwest quarter of section six lying west of the Shiawassee river, being in town eight north of range three east, known as the township of New Haven, in Shiawassee county, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, to be known by the name and style of the "Oakley Public School District," and in that name shall be capable of suing and being sued, of contracting and being contracted with, and of buying, selling and holding Territory incorporated.

Body corporate.

District, how known.

such real and personal estate as is authorized by the statutes of the State of Michigan governing such corporations.
This act is ordered to take immediate effect.
Approved April 18, 1899.

[No. 369.]

AN ACT to provide for the Election and Organization of the Board of County Road Commissioners of Bay County.

The People of the State of Michigan enact:

Board of
county road
commissioners,
term of office,
etc.
When elected.

Vacancies, how
filled.
Proviso.

Who to be
clerk.

Compensation.

Present mem-
bers to continue
in office.

Successors.

SECTION 1. The board of county road commissioners of Bay county shall hereafter consist of five members, to hold their offices for a term of five years and until their successors are elected and qualified. One member of said board shall be elected at the election held on the first Monday of April in each year. All vacancies shall be filled by election: *Provided, however,* That in case of the reduction of said board, by vacancies for any cause, to less than a quorum, the judge of probate of said county may appoint enough temporary members to form a quorum and hold office until the next spring election.

SEC. 2. The clerk of the county of Bay shall be the clerk of said board and shall keep a record of its proceedings, which record shall, during the usual business hours, be open to public inspection in said clerk's office. Said clerk shall receive such sum for his services under this act as said board shall deem reasonable, not exceeding three hundred dollars per annum.

SEC. 3. The members of the present board of county road commissioners shall be continued in office for the terms for which they were severally elected and until their successors are duly elected and qualified, to wit: George L. Frank for the term of five years; John Hartley, for the term of four years; Archie Boyce for the term of three years; Hugh Campbell for the term of two years; Richard H. Fletcher for the term of one year.

This act is ordered to take immediate effect.
Approved April 18, 1899.

[No. 370.]

AN ACT to amend sections eight, twenty, sixty-one, two hundred four, two hundred twelve, and two hundred forty-three of act number three hundred twenty-eight of the Session Laws of eighteen hundred seventy-seven, entitled "An act to revise and amend the charter of the city of Ypsilanti," approved May fifth, eighteen hundred seventy-seven; and to add a new section to said act, to stand as section two hundred eighty-seven.

The People of the State of Michigan enact:

SECTION 1. That sections eight, twenty, sixty-one, two hundred four, two hundred twelve and two hundred forty-three of act number three hundred twenty-eight of the session laws of eighteen hundred seventy-seven, entitled "An act to revise and amend the charter of the city of Ypsilanti," approved May fifth, eighteen hundred seventy-seven, be amended so as to read as follows, and that a new section be added to said act, to stand as section two hundred eighty-seven. Sections amended.

SEC. 8. On the day of election, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the Common Council, at seven o'clock in the forenoon, and remain open continuously until five o'clock in the afternoon, at which time they shall be closed. Opening and closing of polls.

SEC. 20. At the city elections every elector shall vote in the ward where he shall have resided twenty days next preceding the day of election. Where electors to vote.

The residence of an elector, not a householder, shall be deemed to be where he lodges. Residence of electors.

The qualifications of electors under this act shall be those prescribed by the constitution and laws of this State. Qualifications of electors.

SEC. 61. The commissioners of public works, under the general direction of the Common Council, shall have charge of the water works, electric lights and parks, together with all the property of the city pertaining to those departments, and such other public property as the Common Council may, from time to time, put in their charge. They shall have charge and supervision of all buildings pertaining to, and superintend the running of, the water works and lighting departments; shall employ and superintend all help necessary to run the same; they shall have the supervision of collecting all water rates and lighting charges; and shall deposit all moneys collected by them with the city treasurer at least once each week, and take his receipt therefor; and the clerk of said commissioners shall file a report in writing, under oath, on the first of each month, with the Common Council, showing the amount of money collected by them during the preceding month, and the amount thereof paid over to the city treasurer; they shall keep all public property under their control in good repair, and Commissioners of public works to have charge of water works. Powers and duties of, etc.

Proviso.

report to the Common Council on the first and third Mondays of each month, in writing, giving an exact statement of all labor performed by them, or under their supervision, and the charges therefor, the amount of material used and the expense thereof, and the place where such material was used or labor performed, and farther showing the items and purposes of all expenses incurred since their last preceding report: *Provided*, Said commissioners shall not have power to purchase real estate or erect buildings: *And provided further* That they shall have the power to purchase and make repairs, to the extent of two hundred dollars at any one time, without such purchases and repairs having been first authorized by the Common Council.

Special assessments to be levied before making improvement.

Such commissioners shall have such other powers and perform such other duties as may be conferred upon, or required of them, by ordinance or resolution of the Common Council.

SEC. 204. Special assessments to defray the cost of any improvement other than sewers and paving shall be levied before the making of the improvement, or as soon as the improvement is completed and the expense thereof determined, except when the Council by resolution shall allow the same to be paid in installments, when at least one-quarter of the cost thereof shall be assessed and collected immediately after the making of said improvement, or before, as the Council shall determine, and the balance at such times and in such amounts as the Council shall fix upon, with interest not to exceed five per cent upon all deferred payments.

Division into installments, when collected.

SEC. 212. Upon the confirmation of any special assessment made for the purpose of defraying the expenses of constructing sewers or repairing thereof, the amount thereof shall be divided into five equal installments, one of which shall be collected each year, at such time as the Council shall determine, with annual interest at a rate not exceeding five per cent upon the second, third, fourth and fifth installments; and upon the confirmation of any special assessment, made for the purpose of defraying the expenses of paving, or repairing thereof, the amount thereof shall be divided into ten installments, one of which shall be collected each year, at such time as the Council shall determine, with annual interest at a rate not exceeding five per cent upon the second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth installments.

May issue bonds. Rate of interest, when payable, etc.

SEC. 243. The Common Council of the city of Ypsilanti is hereby authorized to issue bonds of said city in such sums and for such amounts as it may deem necessary, not to exceed two per cent of the assessed valuation of the property assessed therein, for the purpose of constructing and repairing bridges over the Huron river, in said city; and like bonds for the purpose of the fire department of said city; said bonds shall bear a rate of interest not exceeding five per cent, such bonds shall be payable in not more than ten years from date thereof, and not to exceed five thousand dollars payable in

any one year. Said Council shall also have power to issue **Sewer bonds.** bonds of said city or sewer orders in such terms and for such amounts as it may deem necessary, not exceeding the sum of twenty thousand dollars, which bonds or orders shall bear a rate of interest not exceeding five per cent per annum, and payable in not more than five years from date thereof, for the purpose of paying the cost of constructing a sewer or sewers, in any special or local sewer district or districts, and the amounts thereof shall be collected from such special or local sewer district or districts to repay said bonds and sewer orders with interest on all deferred payments, at a rate not exceeding five per cent per annum: *Provided, however, That,* **Proviso.** at no time, shall there be outstanding to exceed twenty thousand dollars of said bonds or orders.

Said Council shall also have the power to issue bonds of said **Street paving bonds.** city in such sums and for such amounts as it may deem necessary, not to exceed two per cent of the assessed valuation of the property therein, as shown by the assessment rolls of the preceding year, for the purpose of paving the streets of said city, which bonds shall bear a rate of interest not exceeding five per cent per annum, and shall be payable in not more than ten years from date thereof. The amount of such bonds to the extent of all special assessments made for paving, as determined by the board of assessors, shall be respectively paid from the several districts, with interest at a rate not exceeding five per cent per annum, on all deferred payments as assessed and payable for paving.

At no time shall any bonds of said city be sold at less than **Not to be sold for less than par.** par or face value.

SEC. 287. All acts or parts of acts contravening the provisions of this act or inconsistent herewith are hereby repealed: **Acts repealed.** *Provided,* That this act shall not invalidate any legal act done **Proviso.** by the mayor, city clerk, aldermen, other official or the Common Council of said city. All ordinances, by-laws, regulations, resolutions and rules of the Common Council now in force, and not inconsistent with this act, shall remain in full force until altered, amended or repealed by the Common Council under this act, and the same shall take effect.

This act is ordered to take immediate effect.

Approved April 18, 1899.

[No. 371.]

AN ACT to enable the City of Ludington in Mason County, State of Michigan, to borrow and issue the Bonds of the said City therefor any sum of money not to exceed one hundred and fifteen thousand dollars for Water-Works purposes; and to exempt said City of Ludington from the provisions of section three of chapter twenty-six of act number two hundred fifteen of the Public Acts of this State for the year A. D. eighteen hundred ninety-five, being "An act to provide for the Incorporation of Cities of the Fourth class," and approved May twenty-seventh, eighteen hundred ninety-five.

The People of the State of Michigan enact:

Section exempt. SECTION 1. That the provisions of section three of chapter twenty-six of act number two hundred fifteen of the public acts of this State for the year A. D. eighteen hundred ninety-five, entitled "An act to provide for the Incorporation of Cities of the Fourth class," approved May twenty-seventh, eighteen hundred ninety-five, shall not hereafter apply to the city of Ludington, in Mason county, State of Michigan, but that all other provisions of said chapter shall remain in full force and effect in said city.

May borrow and issue bonds, limit of. SEC. 2. The said city of Ludington may borrow and issue the bonds of the said city therefor any sum of money not exceeding one hundred and fifteen thousand dollars for the purpose of purchasing, constructing or extending water-works as provided in sections one and two of chapter twenty-six of act number two hundred fifteen of the public acts of this State for the year A. D. eighteen hundred ninety-five, entitled "An Act to provide for the Incorporation of Cities of the Fourth class," approved May twenty-seventh, eighteen hundred ninety-five. The council of said city shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this act, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for constructing, purchasing or extending such water-works shall not exceed the estimate of expense provided for in section three of this act.

Council to fix time, place of payment, interest, etc.

Proviso.

Estimate of expense.

SEC. 3. Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extension of water-works in said city, the council shall direct the board of public works to cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of said city at its next annual election or at a special election called for that purpose by the council and shall be determined as

two-thirds of the electors voting at such election by ballot shall decide: *Provided*, That if a special election is held it shall be held in all respects as provided for holding special elections by act number two hundred fifteen of the public acts of this State for the year A. D. eighteen hundred ninety-five, entitled "An Act to provide for the Incorporation of Cities of the Fourth class." Proviso.

This act is ordered to take immediate effect.

Approved April 22, 1899.

[No. 372.]

AN ACT to amend sections three and four of chapter one, section nineteen of chapter seven, sections seven and ten of chapter nine, section seventeen of chapter ten, sections fourteen and seventeen of chapter fourteen, and section four of chapter eighteen of act number three hundred ninety of the local acts of eighteen hundred eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five, and the amendments thereto, and to add thereto three new sections to stand as sections twenty-nine, thirty and thirty-one of chapter fifteen.

The People of the State of Michigan enact:

SECTION 1. That sections three and four of chapter one, section nineteen of chapter seven, sections seven and ten of chapter nine, section seventeen of chapter ten, sections fourteen and seventeen of chapter fourteen, and section four of chapter eighteen of act number three hundred ninety of the Local Acts of eighteen hundred eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five, and the amendments thereto, be and the same are hereby amended, and that there shall be added thereto three new sections, to stand as sections twenty-nine, thirty and thirty-one of chapter fifteen, such amended and such added sections to read as follows: Sections amended.

CHAPTER I.

SEC. 3. The territorial limits of said city shall consist of all that tract of country in the county of St. Clair, bounded and described as follows, to wit: Commencing at a point in the National boundary line in St. Clair river where the same would be intersected by the section line projected between sections twenty-one and twenty-eight, in town six north of Territorial limits.

range seventeen east; thence running westerly along the center of the highway between said sections to its intersection with the east line of the highway along the west line of said section twenty-one; thence running north along the east line of the highway between sections twenty-one and twenty to the center line of the highway running east and west between sections sixteen and twenty-one; thence running east along the center line of said highway to the east line of the highway running north and south through the center of said section sixteen; thence north along the east line of said highway to a point where the Indian Reservation line intersects said highway; thence in a northwesterly direction along said Indian Reservation line to the south line of the Bonhomme tract; thence northeasterly along the south line of said Bonhomme tract to the centre of Black river; thence up the middle line of Black river to a point where the same would be intersected by the northwest corner of the McNeil tract in the township of Fort Gratiot; thence easterly along the north line of said McNeil tract to a point where the west line of Lakeside Cemetery intersects the north line of said tract; thence north along the west boundary of said Lakeside Cemetery, said line being the west line of the east fractional part of section twenty-seven, in town seven north of range seventeen east, to the north line of said section twenty-seven; thence east along the north line of said section twenty-seven and the north line of fractional section twenty-six to the westerly line of the highway known as Lakeside Turnpike or extension of Gratiot Avenue; thence northerly along the west line of said last named highway, to the north line of section twenty-two; thence east along said north line of section twenty-two, town seven north of range seventeen east, to the National boundary line in Lake Huron, and thence southerly along said National boundary line in Lake Huron and River St. Clair to the place of beginning.

Ward boundaries, how determined.

SEC. 4. The city of Port Huron shall be divided into ten wards, the boundaries of which shall be fixed and determined from time to time by the common council, but the boundary lines of the wards of said city shall remain as now fixed until changed by ordinance or resolution of the common council.

CHAPTER VII.

Powers of council.

SEC. 19. The common council shall have power to establish, open, widen, straighten, vacate, abolish and maintain, improve, grade, pave, gravel, plank, clay, macadamize, clean, light and adorn the public parks, squares, spaces, streets, avenues, lanes, alleys and other public grounds in said city, and to control and regulate the use thereof; to prohibit and remove encroachments and obstruction thereon, and to preserve and

maintain the rights of the public therein. The common council shall also have power, in all cases where any of the streets of said city are occupied by railroad companies for the purpose of running their engines and cars along said street, to compel any such railroad company to maintain said street between its tracks, and for at least two feet on either side thereof, and to keep the same at all times in good repair so that the surface of the roadbed between the tracks and on the outside thereof for the distance above specified shall be flush with the surface of the rails laid along said street; such maintenance shall be either by planking, paving, claying, graveling or macadamizing, as the common council may by resolution or ordinance determine. Should any railroad company or railroad companies neglect or refuse to perform such work within a reasonable time after notice given them so to do, the common council may cause such work to be done, and the cost thereof shall be a charge against said railroad company, and the expense thereof may be recovered from the railroad company in an action at law by the city of Port Huron in any court of competent jurisdiction.

Idem.

Costs of repairs, how recovered.

CHAPTER IX.

SEC. 7. The board of education shall on or before the first Monday in April in each year deliver to the city controller an estimate of the amount of money necessary to carry on the schools under the charge of the said board for the next ensuing school year, which said estimate shall include all the ordinary expenses of running said schools and caring for the school houses, buildings and other property belonging to the board, and interest on temporary loans made by the board. The said estimates shall show the purpose for which said money is required, and it shall be the duty of the board of education to furnish to the said controller such information as may be desired for the purpose of enabling him to present the same, together with the estimates, to the common council for their consideration. The said board of education is also authorized to borrow money in anticipation of the revenue to be derived from sums authorized to be levied for the current fiscal year, as provided by this act, but no evidence of indebtedness issued under the provisions of this section shall be for a longer period than nine months, or at a greater rate of interest than seven per cent per annum. It shall be the duty of the controller to present the said estimates to the common council at the same time that the common council are considering the annual estimate for general city purposes, and in the case of the approval of such estimates by the common council, the said estimates or so much thereof as may be approved by the common council, shall be submitted to the board of estimates by the common council at the same time the esti-

Statements of money to be delivered to controller.

What estimates shall show.

Board authorized to borrow money.

Limit of time and interest. Duty of controller.

Proviso.	mates for the annual city taxes are submitted: <i>Provided</i> , That the amount of said estimates shall not be reduced by the said common council or the said board of estimates below a sum equal to five and one-half dollars for each and every child in said city between the ages of five and twenty years, the number of children to be ascertained and determined by the last report on the subject on file in the office of the clerk of St. Clair county or of the city clerk of the city of Port Huron.
Yearly assessment of tax.	SEC. 10. The common council of said city of Port Huron is hereby authorized and directed once in each year to assess, levy, and collect a tax on all real and personal property in said city, according to the city assessment rolls for that year, for school purposes, which said amounts shall not be less than five and one-half dollars, nor to exceed six and one-half dollars for each and every child in said city between the ages of five and twenty years; the number of such children to be ascertained and determined as provided in section seven of this chapter.
Taxes, how collected. Moneys, how disbursed.	And the said taxes shall be collected in the same manner as the moneys raised to defray the general expenses of the city. All such moneys shall be disbursed by authority of said board for the maintenance and support of said schools, and for no other purpose.

CHAPTER X.

Duty of council relative to annual assessment.	SEC. 17. It shall be the duty of the common council of said city, and the said council is hereby authorized and empowered to cause to be levied and assessed annually upon the taxable property in said city a sum of not to exceed eleven thousand dollars, the same to be included in each annual tax assessment levied on said city. The said sum shall be levied and collected the same as other general taxes in said city, and shall from time to time as received be paid into and credited to the water fund, for the purpose for which said water fund is constituted, and the provisions of this act. In consideration of said sum, of not to exceed eleven thousand dollars, the said Board of Water Commissioners shall cause to be furnished free, and without making any assessment therefor, water to all cemeteries within said city, also to the Board of Education for school purposes, to the public library, the public parks, fountains, hose-houses, drinking places and public offices in said city. It shall be the duty of the controller on the fifteenth day of June and the fifteenth day of December in each and every year, to charge up and transfer from the water fund, and credit to the interest fund, an amount equal to two and one-half per cent on three hundred thousand dollars of the bonded indebtedness of the city, which sum shall be used by the corporation to pay the interest on said sum of three hundred thousand dollars of the bonded indebtedness of said city; and it shall be the duty of the controller and treasurer
Sum, how levied and collected.	
Water for certain purposes free.	
Duty of controller.	

to cause such amount to be transferred from said water fund to the interest fund as aforesaid. It shall also be the duty of the controller and city treasurer at the end of each fiscal year, to charge up to the water fund and to transfer and place to the credit of the sinking fund such sum as the common council may direct: *Provided*, That such sum shall not be less than two thousand dollars; *And provided further*, That the amount to be transferred by the controller semi-annually as aforesaid from the water fund to the interest fund shall be reduced annually to the extent of five per cent on the amount paid from such fund into the sinking fund, so that the amount so to be transferred from the water fund to the interest fund shall never exceed the sum of five per cent annually, on the said sum of three hundred thousand dollars, less the amount paid into the sinking fund under the provisions of this section. No indebtedness shall be contracted against or be paid out of said water fund, nor shall any expenditures be made therefrom that will interfere or prevent the carrying out of the provisions of this section.

Proviso.
Further
proviso.

CHAPTER XV.

SEC. 29. In addition to the powers already conferred by this chapter, the said city of Port Huron is hereby authorized and empowered to bond itself in a sum not exceeding one hundred thousand dollars, for the purpose of constructing a canal to connect the waters of Lake Huron and Black River at any point near the northern limits of the city of Port Huron, whether inside or outside of said limits, or for the erection and maintenance of such other work or structure or for the taking of such other step as will be necessary to cleanse the waters of Black River, whenever, in the opinion of the common council, such step is necessary for the benefit of the public health and for the protection of the inhabitants of said city; such bonds when issued shall be denominated "Canal Construction Bonds" and shall not be made for a longer period than thirty years.

Bond issue
limited.

SEC. 30. No bonds shall be issued under the power conferred in section twenty-nine of this chapter, until the question of the issuance of said bonds shall first be submitted to and approved by a majority of the resident tax payers, who are electors of the city of Port Huron, voting thereon at a special election held for that purpose. If the resident tax payers, who are electors, at any such election, shall vote in favor of the issuance of such bonds, the common council shall, upon the nomination and recommendation of the mayor, appoint five reputable persons who shall be electors and tax payers of said city, said persons and their successors to be known and designated as "Canal Commissioners," and upon the recommendation in writing of a majority of said Commissioners, made at

Submitted to
electors.

Council to
appoint
commissioners.

a meeting regularly held by said Commissioners, the common council may by a two-thirds vote of the aldermen elect, with the approval of the mayor and the board of estimates, order and cause to be issued the bonds provided for in section twenty-nine, in such amounts from time to time as may be determined upon by the said common council and the said Canal Commissioners, and to negotiate the same at as low a rate of interest as possible, and to place the amount received therefor, to the credit of a special fund to be known as the "Canal Construction Fund," and that no part of the proceeds of the sale of such bonds shall be used for any other purpose whatsoever than the purposes mentioned in section twenty-nine of this chapter.

Commissioners,
duties of.

SEC. 31. The duties of said Canal Commissioners shall be to investigate and pass upon the merits of the proposed canal, or of such other plan as is proposed to accomplish the result of cleansing said Black River, and of any and all proposed expenditures of money to be paid out of the said fund, and no money shall be paid out of said fund, and none of the bonds provided for in section twenty-nine shall be issued, unless first authorized by a majority vote of the said Canal Commissioners, and no money shall be paid out of said fund unless by a majority vote of the said Board of Canal Commissioners, and a majority vote of the aldermen elect of the common council of the city of Port Huron.

CHAPTER XIV.

Exclusive
jurisdiction.

SEC. 14. Said Justice of the peace shall have exclusive jurisdiction of all civil actions and proceedings, as by the general laws of the State are within the jurisdiction of justices of the peace, when both the parties thereto shall at the time of the commencement of such action or proceedings be residents of said city. They shall have a like exclusive jurisdiction when the original cause of action existed in favor of a resident of said city, but has been by him assigned. The police justice and assistant police justice elected in the city of Port Huron and duly qualified according to law, shall have original jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars, and concurrent jurisdiction in all civil actions wherein the debt or damages do not exceed the sum of five hundred dollars, except as provided in section six thousand five hundred eighteen of Howell's Annotated Statutes of Michigan. The justices of the peace known as police justices and assistant police justice now in office shall continue to hold their offices until the expiration of their respective terms, and until their successors are elected and qualified as herein provided, and so long as they may remain in office their jurisdiction shall remain unchanged.

Police justice
and assistant,
jurisdiction of.

Justices of the
peace to hold
until term
expires.

SEC. 17. Any cause tried or determined in said court, by either of said justices, may be appealed or removed by certiorari to the circuit court for the county of St. Clair, and the general laws of the State relating to appeals and certiorari from justices' court shall apply to and govern such appeals and certiorari, except that the fees for making a return thereto shall be paid by the clerk to the city treasurer; *Provided*, That the return to all such appeals shall be made by the justice before whom said cause was tried and determined. It is *further provided* that no appeal shall be taken from any judgment of said justices in the city of Port Huron except in the following cases:

First; When said justices shall disallow any claim in favor of any plaintiff or defendant in any cause in the said justice court, in whole or in part, to the amount of fifty dollars.

Disallowed claim, amount of.

Second; When said justice shall render a judgment to the amount of fifty dollars, exclusive of costs, in either of which cases the party aggrieved may appeal.

Judgment, amount of.

Third; Appeals may be authorized by the circuit court for the county of St. Clair when the party making the appeal has been prevented from making a defense upon the merits of the case in which said appeal was taken, by circumstances not under his control; and such appeal may also be authorized when justice requires that such appeal shall be authorized; and in all cases where the parties against whom such appeal is sought had appeared in said justice court by an attorney or agent, it will be sufficient to serve such attorney or agent with notice of all subsequent proceedings in said cause, and all orders made therein by said circuit court may be served upon said attorney or agent, and such service shall have the same effect as though made on the party against whom said appeal is taken.

Appeals may be authorized.

CHAPTER XVIII.

SEC. 4. Whenever the common council shall, by resolution, order any sidewalk to be constructed or repaired, the Superintendent of Public Works shall give notice in writing to the owner, agent, or occupant, or person interested in the land in front of or adjacent to which the sidewalk is to be constructed or repaired; such notice shall be given by personal service upon such owner, agent, occupant or other person interested, if known and found within the city, but if not known and not found within the city, the Superintendent of Public Works may serve or cause to be served said notice, by posting the same in some conspicuous position upon such lot or premises, for a period to be prescribed by said ordinance: *Provided*, That whenever, in the opinion of the common council or of the Superintendent of Public Works, the condition of any sidewalk within said city is such as to render it dangerous to public safety, the Superintendent of Public Works or com-

Notice to construct or repair sidewalks.

Provided.

mon council shall have the power to cause such sidewalk to be immediately repaired or constructed, as the case may be, without serving the notice herein otherwise provided, and on the repair or construction of such sidewalk the same proceedings shall be had and taken to levy and collect the cost of such repair or construction as in cases where notice is served.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 373.]

AN ACT to change the name of Edward Toy to Edward Sweeny.

The People of the State of Michigan enact:

Name changed. SECTION 1. That the name of Edward Toy, of Scofield, Monroe county, Michigan, be and the same is hereby changed to Edward Sweeny.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 374.]

AN ACT to prohibit the jail of Ottawa county being used as a place of confinement of persons liable to imprisonment under city or village ordinances, and to repeal all acts or parts of acts inconsistent with or contravening the provisions of this act.

The People of the State of Michigan enact:

**When persons
committed to
county jail.**

SECTION 1. Persons liable to imprisonment under city or village ordinances shall in no case, until tried and found guilty, be committed to imprisonment in the county jail of Ottawa county.

Acts repealed.

SEC. 2. All acts or parts of acts inconsistent with or contravening the provisions of this act are hereby repealed.

Approved April 28, 1899.

[No. 375.]

AN ACT to vacate the plat of Budd Lake first addition to the city of Harrison, Clare county, Michigan.

The People of the State of Michigan enact:

SECTION 1. The plat of Budd Lake first addition to the city of Harrison, in the county of Clare and State of Michigan, and recorded in the office of the register of deeds for Clare county, the territory included within the limits of said plat being situate on the southeast quarter of section sixteen, town nineteen north, range four west, be and the same is hereby vacated. Territory vacated.

SEC. 2. After the passage of this act, all assessments of said territory included within the lines of said plat, as specified in section one of this act, shall be made and described without reference to said plat, but shall follow as near as may be the subdivisions as made by the government survey. Assessment, how made.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 376.]

AN ACT to vacate the plat of the Meredith Land and Improvement Company's Additions "A" and "B" to the village of Meredith.

The People of the State of Michigan enact:

SECTION 1. Plats "A" and "B" of the Meredith Land and Improvement Company's Additions to the village of Meredith, in the county of Clare and State of Michigan, included in the territory bounded as follows: Plats vacated.

Addition "A," commencing at the southwest corner of section twelve, in town twenty north, range three west, thence north twenty-seven minutes east two thousand six hundred forty-nine feet to the quarter post, thence south eighty-nine degrees and twenty-six minutes east on quarter line two thousand six hundred eighteen and two-tenths feet, thence south one degree and fifteen minutes east two thousand six hundred fifty-two and forty-seven one-hundredths feet to section line, thence south eighty-nine degrees and forty-four minutes west two thousand six hundred ninety-one feet to place of beginning. Addition "B," commencing at the southeast corner of section twelve, town twenty north, range three west, running thence south eighty-nine degrees and forty-four minutes west on section line two thousand five hundred eight feet, thence north one degree and fifteen minutes west two thousand six hundred Description of territory.

Idem.

fifty-two and forty-seven one hundredths feet to the quarter line, thence north eighty-nine degrees and twenty-six minutes east two thousand five hundred eight feet to the quarter post, thence south one degree and fifteen minutes east two thousand six hundred fifty-five and eight-tenths feet to the place of beginning, made and executed by said Meredith Land and Improvement Company on the twenty-first day of April A. D. eighteen hundred ninety-two, and recorded in the office of the register of deeds for Clare county in Liber one of village plats on pages fourteen and fifteen, respectively, on the twenty-eighth day of April A. D. eighteen hundred ninety-two, is hereby set aside and vacated.

Assessments,
how made.

SEC. 2. After the passage of this act all assessments of said territory included within the boundary lines of said plats "A" and "B," as specified in section one of this act, shall be made and described without reference to said plats, but shall follow as nearly as possible the subdivisions made by the Government survey.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 377.]

AN ACT authorizing the Reassessment of the Local Taxes in the County of Saginaw, included in the charged back lists of the Auditor General, forwarded to the County Treasurer of said county, for the years eighteen hundred ninety-one, eighteen hundred ninety-two, eighteen hundred ninety-three, eighteen hundred ninety-four, eighteen hundred ninety-five, eighteen hundred ninety-six, and eighteen hundred ninety-seven.

Whereas, The Board of Supervisors of Saginaw County failed or neglected to cause to be reassessed the local taxes of said County, included in the charged back lists, forwarded to the County Treasurer, when said lists for the years eighteen hundred ninety-one, eighteen hundred ninety-two, eighteen hundred ninety-three, eighteen hundred ninety-four, eighteen hundred ninety-five, eighteen hundred ninety-six and eighteen hundred ninety-seven were received, the report of same being made and no action taken thereon, causing the same to be reassessed as required by the general tax law of the State, and

Whereas, Said Board at its October session in eighteen hundred ninety-eight, caused said lists to be laid before the Board, and thereupon referred the same to the Committee on Taxation, to determine which portion of said taxes should have

been caused to be reassessed, and report to the Board at its January session in eighteen hundred ninety-nine, and

Whereas, Said committee reported to the Board at its January session the taxes and descriptions upon which the same were assessed, embraced in said lists, which should have been but were not ordered reassessed upon the same land, and said Board adopted said report and directed the County Clerk to furnish to the Common Council of the City of Saginaw a certified copy of the same, and directing a reassessment of the same, Now Therefore:

The People of the State of Michigan enact:

SECTION 1. That the common council of the city of Saginaw, any village or township in the county of Saginaw and State of Michigan are hereby authorized and empowered, and it shall be their duty to cause to be reassessed against the same lands, as required by the general tax law of the State, the local taxes of said county, which the board of supervisors, after an examination of said lists by proper resolution directs to be reassessed, included in the charged back lists of the Auditor General and forwarded to the county treasurer, for the years eighteen hundred ninety-one, eighteen hundred ninety-two, eighteen hundred ninety-three, eighteen hundred ninety-four, eighteen hundred ninety-five, eighteen hundred ninety-six, and eighteen hundred ninety-seven, and the county clerk directed to furnish the common council of said city of Saginaw, village or township, in which the lands are located, with a certified copy of the taxes and descriptions of said lands, upon which said taxes were assessed, as required by the general tax law of the State. Taxes set aside by the circuit court which do not invalidate the tax; taxes charged back because of erroneous, indefinite, imperfect starting points, indefinitely and imperfectly assessed and erroneously returned, captions erroneous, exception indefinite, may be reassessed upon the same lands, by correcting the descriptions, erroneous captions, and eliminating the indefinite exceptions.

Certain taxes to be reassessed.

SEC. 2. Whenever a special tax or taxes have been extended with the general tax upon a description, embracing more land than the special tax roll, as confirmed by the common council of said city, or village board, such descriptions may be subdivided, and the special tax or taxes assessed upon descriptions, one or more of which shall include only such portion of the description or lands as are embraced in the taxing district of the special tax roll or rolls. The general taxes may [be] subdivided and reassessed upon each subdivision, the amount of taxes so reassessed, shall be upon the basis of the relative valuation of the land, originally assessed every special tax of every nature when confirmed by the village board or the common council of the city, and carried into the general tax roll of the city of Saginaw by the city assessor, as provided

When descriptions may be subdivided.

Taxes, when held as final.

	by the village or city charter shall be held as final, except by action of said board or common council thereon.
Taxes on subdivisions, how reassessed.	SEC. 3. When lands embraced in any description have been subdivided since the original assessment, the taxes thereon may be reassessed upon each subdivision; the general taxes in proportion to the relative value that each bears to the original assessment with the special tax or taxes if any, upon that portion of the subdivision, as shown by the special assessment roll to be in the taxing district, designated for the levying of said special assessment. Special taxes charged back and appearing in the wrong column may be corrected by placing them in the proper fund column.
How corrected.	
What provisions in this act shall apply to.	SEC. 4. The provisions contained in this act for reassessing taxes shall apply to any action of the board of supervisors or the common council of the city of Saginaw, ordering reassessment, before the passage of this act, anticipating the passage thereof also the charged back taxes contained in the list for eighteen hundred ninety-eight.
No injunction to stay proceedings.	SEC. 5. No injunction shall issue to stay any proceedings for the reassessment of taxes under this act. The provisions of the general tax law shall apply to the collection of taxes reassessed under this act.
	This act is ordered to take immediate effect.
	Approved April 28, 1899.

[No. 378.]

AN ACT to authorize the Village of Houghton, in the county of Houghton, to borrow money and issue Bonds therefor, for the purpose of making Public Improvements in said Village of Houghton, and for the purpose of constructing, adding to and improving the Water-Works system of the said Village.

The People of the State of Michigan enact:

May borrow money and issue bonds.	SECTION 1. The common council of the Village of Houghton, in the county of Houghton, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue bonds therefor, to an amount not exceeding sixty thousand dollars, which shall be expended as follows: A sum not exceeding thirty-five thousand dollars for the purpose of street improvements and extensions and sewerage improvements and extensions in said village, and a sum not exceeding twenty-five thousand dollars for constructing, adding to and improving the water-works system of said village: <i>Provided</i> , That a majority of the qualified electors of said village who are present and voting at an annual election,
Amount for streets.	
Water works.	
Proviso.	

or at a special election called for that purpose, shall vote therefor.

SEC. 2. Before any loan provided for in this act can be voted upon at any election, a public notice shall be given by order of the said common council, signed by the clerk of said village, by publishing the same in a newspaper in said village for at least two weeks before said election, and by posting a copy of such notice in at least three public places in said village two weeks before said election; and said notice shall state that the electors of said village will be called upon to vote upon such loan, and the said common council is hereby authorized and empowered to call a special election at any time in its discretion for the above named purpose and in the manner aforesaid.

Election notice,
how given, etc.

SEC. 3. The vote upon said proposition under the provisions of this act shall be by ballot, which shall have written or printed, or partly written and partly printed thereon the words, "For the Loan" or "Against the Loan," and by depositing in a separate ballot box to be labeled "Village Loan," and the other proceedings had therein with respect to such election, shall be held under the provisions of the election laws of this State applicable to said village.

Vote to be by
ballot.

Form.

Law applicable.

SEC. 4. If such loan shall be authorized by a majority of such electors voting at such election, coupon bonds may be issued in such sums, not exceeding in the aggregate the amount hereinbefore limited, and payable at a time or times, not exceeding thirty years, with such rates of interest, not exceeding six per centum per annum, as the said common council shall direct, and shall be signed by the president and countersigned by the clerk of said village, and sealed with the seal of said village, and negotiated by or under the direction of said common council, and the money arising therefrom shall be used in amounts not exceeding the sums stated in section one of this act for the purposes aforesaid, and said common council shall have power, and it shall be their duty, to raise by taxes upon the taxable property of said village such sum or sums of money from time to time as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due, or to provide a sinking fund for the payment of said bonds, which taxes so to be assessed may be in addition to all other taxes which said village is now authorized to raise, and may be denominated in the tax assessment roll and proceedings with regard thereto as "Special Bond Tax."

Bonds, when
issued, interest,
etc.

How signed
and negotiated.

Tax for
payment.

Tax denomi-
nated.

This act is ordered to take immediate effect.

Approved April 28, 1899.

[No. 379.]

AN ACT to provide for changing the Boundaries of Union School District number One of the City of Ludington, Mason County, Michigan.

The People of the State of Michigan enact:

May alter
boundaries.

SECTION 1. The board of trustees of Union School district number one of the city of Ludington in Mason county, Michigan, and the school inspectors of the township of Pere Marquette in said county are hereby authorized and empowered in joint session to regulate and alter the boundaries of said union school district number one of the city of Ludington, as from time to time may be deemed necessary, subject to the provisions hereafter made: *Provided however*, That said union school district number one shall be composed of contiguous territory and be in as compact form as may be.

Proviso.

Notice of alter-
ation, by whom
and how given.

SEC. 2. Whenever the board of trustees of union school district number one of the city of Ludington in Mason county, State of Michigan, or the school inspectors of the township of Pere Marquette in said county shall deem it expedient to alter the boundaries of said union school district number one of the city of Ludington by adding to or detaching any lands from said district, the said board of trustees or the said school inspectors as the case may be, shall give at least twenty days notice of the time and place of a joint meeting, which shall be in said union school district number one of the said board of trustees of said union school district number one and the school inspectors of said township of Pere Marquette, by posting such notice in three public places in said township of Pere Marquette and in five public places in said city of Ludington and also by publishing a copy of said notice for two successive weeks in a weekly newspaper published and circulated in said city of Ludington. Said notice shall state the object of the joint meeting and the alterations proposed to be made in the boundaries of the said union school district number one of the city of Ludington, and in the boundaries of any other district in Pere Marquette township affected by such change.

What to state.

Organization,
powers, etc., of
board.

SEC. 3. The members of said board of trustees of said union school district number one of the city of Ludington, and the school inspectors of said township of Pere Marquette shall meet at the time and place mentioned in said notice and shall organize in joint meeting by electing one of their number chairman and another clerk thereof. They may in their discretion add to or detach from said union school district number one of the city of Ludington any property or any part thereof mentioned in the notice of said meeting, whether or not the same be then included in any school district in said township.

Record of alter-
ation, where
filed.

SEC. 4. In all cases when an alteration of the boundaries of said union school district number one of the city of Luding-

ton shall be made, a record of the changes made certified by the chairman and secretary of the joint meeting as above provided, shall be filed with the city clerk of the city of Ludington and with the board of trustees of said union school district number one and with the township clerk of the said township of Pere Marquette, and thereafter the boundary and extent of said union school district number one of the city of Ludington shall be altered and changed as in said certificate set forth.

SEC. 5. When any change in the boundary is made of said union school district number one of the city of Ludington, the board of trustees of said union school district number one and the school inspectors of the said township of Pere Marquette shall, at the time of making such change, or as soon thereafter as may be, ascertain and determine the amount justly due either union school district number one of the city of Ludington or any school district of the township of Pere Marquette to which territory may be added or detached by reason of any alterations made as above in the boundaries of said union school district number one of the city of Ludington.

Who to determine amount due by reason of alteration.

This act is ordered to take immediate effect. .

Approved April 28, 1899.

[No. 380.]

AN ACT to provide for the Assessment of Property and the Making and Extending of the Township Tax Roll of the Township of Springwells, in the County of Wayne and the Delivery of such Tax Roll to the Township Treasurer and for the Collection of the Taxes levied therein.

The People of the State of Michigan enact:

SECTION 1. On or before the third Monday of July in each year, the supervisor of the township of Springwells in the county of Wayne shall make and complete an assessment roll, which assessment roll shall be made in the manner provided by the provisions of the general tax law, except as hereinafter provided.

When supervisor to make assessment.

SEC. 2. On the Tuesday next following the third Monday in July, the board of review of said township shall meet at the office of the supervisor of said township; at which time the supervisor shall submit to such board the assessment roll for the current year as prepared by him, and the said board shall proceed to examine and review the same as provided by the provisions of the general tax law.

Board of review, when and where to meet. Duties.

SEC. 3. The supervisor of such township on or before the fifteenth day of November in each year, shall notify the township treasurer of the amount of the State and county taxes as

Supervisor, what to notify township treasurer.

Bond, amount
of, by whom
approved.

Where filed.

Board to em-
ploy account-
ant, duties.

When treasurer
to collect taxes.
When office of
township treas-
urer to be open.

Proviso.

Supervisor.
when to employ
clerical assist-
ance, duties of,
how paid.

apportioned to his township, and such treasurer on or before the twenty-fifth day of November shall give to the county treasurer a bond running to the county in double the amount of State and county taxes, with sufficient sureties, to be approved by the supervisor of the township and the county treasurer, conditioned that he will pay to the county treasurer as required by law, all State and county taxes which he shall collect during his term of office, and duly and faithfully perform all the other duties of his office. The county treasurer shall file and safely keep such bond in his office, and shall give to the township treasurer a receipt stating that he has received the bond required, which receipt the township treasurer shall deliver to the board of review on or before the seventeenth day of December. The board of review, after the delivery of such receipt, and on or before the seventeenth day of December, shall deliver to the township treasurer, the tax roll of his township.

SEC. 4. On the tenth day of December, of each year, before such assessment roll shall be delivered to the township treasurer, the said board of review shall in addition to its other duties, employ a competent accountant to be paid out of the general fund of the township upon an order signed by such board of review, and together with such accountant shall carefully foot the several taxes levied upon such assessment roll and shall give to the township clerk of said township a statement thereof and of each tax in writing, and such clerk shall immediately charge the amount of such taxes to the township treasurer of said township.

SEC. 5. On receiving such tax roll the township treasurer or other collector shall proceed to collect such taxes. The township treasurer shall remain in his office at some convenient place within said township of Springwells on every Tuesday, Thursday and Saturday in the month of December thereafter and until the twenty-seventh day of January of the succeeding year from nine o'clock a. m. until six o'clock p. m. to receive taxes: *Provided however*, That he shall receive taxes upon any week day when they may be offered and on all sums voluntarily paid before the twenty-seventh day of January of the succeeding year he shall add one per cent for collection fees, and upon all taxes paid on or after the twenty-seventh day of January he shall add four per cent for collection fees.

SEC. 6. On each and every year in which the State Board of Equalization shall meet, the supervisor of said township shall have the power to employ, to be paid out of the general fund of the township, sufficient clerical assistance to complete such tax roll and on such years, the board of review of said township shall meet for the purpose of reviewing said tax roll as required by the general tax law.

SEC. 7. Except as herein provided, the supervisor and township treasurer shall proceed to collect the taxes of the township of Springwells in the manner provided by law for the collection of taxes in townships. Supervisor and township treasurer, how to collect taxes

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 381.]

AN ACT to repeal act number four hundred nineteen of the Local Acts of eighteen hundred ninety-five, entitled "An act to exempt the County of Marquette from the provisions of act number one hundred forty-nine, session laws of eighteen hundred ninety-three, entitled 'An act to provide for a County and Township System of Roads and to prescribe the powers and duties of the officers having the charge thereof.'"

The People of the State of Michigan enact:

SECTION 1. That act number four hundred nineteen of the local acts of eighteen hundred ninety-five, entitled "An act to exempt the county of Marquette from the provisions of act number one hundred forty-nine, session laws of eighteen hundred ninety-three, entitled 'An act to provide for a county and township system of roads and to prescribe the powers and duties of the officers having the charge thereof,' " be and the same is hereby repealed. Act repealed.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 382.]

AN ACT to amend section eleven of an act, entitled "An Act to Establish and Provide Justices Courts in the City of Detroit, and to repeal act number two hundred eighty of the Local Acts of eighteen hundred eighty-three, entitled "An Act Relative to Justices Courts in the City of Detroit," approved April twenty-fifth, eighteen hundred eighty-three, and all acts amendatory thereof as amended by the acts amendatory thereof.

The People of the State of Michigan enact:

SECTION 1. That section eleven of act number two hundred eighty of the local acts of eighteen hundred eighty-three, en- Section amended.

titled "An act relative to justices courts in the city of Detroit," approved April twenty-fifth, eighteen hundred eighty-three, and all acts amendatory thereof as amended by the acts amendatory thereof, be and the same is hereby amended so as to read as follows:

Juries to be composed of six persons.

Proviso.

Jury commissioners to select jurors.

Number to be selected.

Number drawn.

To be notified.

Attendance, how enforced.

Compensation.

SEC. 11. Juries in said justices courts shall be composed of six persons, who shall be residents of said city of Detroit, and severally possess the lawful qualifications of jurors in the circuit court of Wayne county, and any challenge which would be valid in said circuit court shall be valid and sufficient if made in the said justices courts: *Provided however*, That but two peremptory challenges shall be allowed to the plaintiff and a like number to the defendant in all trials in said justices courts. The board of jury commissioners, as created by act number two hundred four of the public acts of eighteen hundred ninety-three, shall annually or whenever required by the senior justice in accordance with the method required by that act, select persons to serve as jurors for the trial of cases, matters and proceedings in said justices courts, and shall file a list of the persons so selected with the clerk of said justices courts. The number to be selected on the third Monday of May of each year as provided by this act, shall be five hundred. After the filing of such list the proceedings for selection, summoning and the compelling the attendance of jurors and talesmen shall be as far as practicable, the same as provided by law for like purposes in the circuit court for Wayne county, except that the attendance of the sheriff shall not be required. Jurors shall be drawn and summoned for a term of one month, which shall be the calendar month next succeeding such drawing. Not less than eighteen nor more than thirty-six jurors shall be drawn and summoned for a term unless for a special reason the senior justice shall in writing direct that a greater number shall be drawn and summoned. The persons so drawn shall be notified in writing of their liability to jury duty in the justices court for the calendar month to be specified, which notice shall be served personally if practicable, upon each person so drawn by the deputy sheriff to be detailed for duty in said justices courts, and a return in writing of the time and manner of such service shall be made and filed with the clerk of said justices courts. The actual attendance of the person duly notified for jury service may be required and enforced according to law. The persons so serving as jurors shall be entitled to receive from the county of Wayne the sum of two dollars and fifty cents for each day's actual service, which sum shall be paid by the county auditors on certificate of the clerk of said justices courts. Whenever by law a judge of the circuit court for Wayne county is required or directed to be present at or participate in any part of the proceedings to select jurors for that court, the senior justice or acting senior justice

of said justices court shall perform like duty in like proceedings to select jurors for said justices courts.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 383.]

AN ACT to amend an act approved June two, eighteen hundred ninety-seven, and entitled "An act to amend section ten chapter ten of an act entitled 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,'" approved June seventh, eighteen hundred and eighty-three.

The People of the State of Michigan enact:

SECTION 1. That an act approved June second, eighteen hundred and ninety-seven, and entitled "An act to amend section ten of chapter ten of an act entitled 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,'" approved June seventh, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows: Act amended.

SEC. 10. On and after the first day of August in each year, and at any time until the taxes mentioned in this section are paid, it shall be the duty of the receiver of taxes, and the clerks or subordinates in his office, designated by him for that purpose, to collect all unpaid taxes which are assessed against any property or value other than real estate, and if necessary the said receiver and said clerks or subordinates, under the direction and in the name of the receiver, shall have power to levy upon and sell at public auction the personal property of any person refusing or neglecting to pay such tax. Collection of taxes on personal property. Six days' notice of any such sale shall be given by the receiver, by publication in the official and one other daily newspaper of said city, and any surplus remaining after the payment of the tax and percentage, and the expense of the drayage or storage, shall be paid over to the owner of such property or other person entitled to receive the same; and the said receiver shall have power, in the name of the city of Detroit, to prosecute any person refusing or neglecting to pay such taxes or any special assessment by a suit in the circuit court for the county of Wayne, and he shall have, use and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax or any special assessment or special assessment roll; and the said tax roll shall be prima facie evidence of the indebtedness by such person and the regularity of the proceedings by which the Power to levy and sell.
Notice of sale to be published.

Taxes to remain
a lien until
paid.

Idem.

tax assessment was assessed and levied. All city taxes upon personal property shall be and remain a lien thereon until paid or so long as the property assessed is owned by or under the control of the person to whom it is assessed, and no transfer of the personal property by a husband to his wife, or by a wife to her husband, nor by any person to a corporation in which he is a stockholder, nor by one corporation to another, nor any transfer of the title without an actual change of possession, nor any transfer of such property either voluntarily or by order of a court to a receiver shall operate to divest or destroy such lien. All city taxes upon personal property and real estate and special assessment thereon in addition to being a lien upon the property assessed, shall be and remain a debt against the owner of the property or his estate after his death, until the same are paid, and such debt shall be unaffected by any statute of limitations. And in all suits against the estate of such owner all persons having knowledge of the non-payment of said taxes shall be permitted to testify before any court or commission having jurisdiction of the matter. No mortgage or conveyance of real estate, or contract for the sale of any real estate shall be received or recorded by the register of deeds of the county of Wayne, unless all city taxes or special assessments on the property described in such mortgage, contract or conveyance shall have been paid; and it shall be the duty of the city treasurer, upon request, to furnish a certificate that such taxes or assessments have been paid, which certificate shall be filed with said register at the time of the delivery to him of such conveyance, mortgage or contract for record.

Approved May 2, 1899.

[No. 384.]

AN ACT to detach certain Territory in the Townships of China, East China and St. Clair, in the County of St. Clair, from Fractional Union School District Number One, of the City of St. Clair, in said County of St. Clair, so as to make the boundaries of the Union School District of said City of St. Clair coincide with the boundaries of the City of St. Clair.

The People of the State of Michigan enact:

Territory
detached.

SECTION 1. There shall be detached from fractional union school district number one of the city of St. Clair all that territory now comprised in said district and which lies in the townships of St. Clair, China and East China, and said territory so detached, as above provided, shall be attached to such school

districts in said townships of St. Clair, China and East China as the board of school inspectors of those townships shall direct.

SEC. 2. The City of St. Clair shall assume all indebtedness of said fractional union school district number one of the city of St. Clair. Who to assume indebtedness.

SEC. 3. It is hereby provided that the following named children whose parent or parents are at present residents of the township of St. Clair shall be entitled to tuition free of charge in the public schools of the city of St. Clair until they shall have reached the school age of twenty years, viz.: Wellington, Edith, Maud, Lillian, Mary and Earle, children of Orlin Bowman; Lon J., and Wesley S., children of Charles Bowman; Agnes, Mabel, William, Bessie, Florence, Charles and Roy, children of Anthony Weust; Nellie, child of John K. Stanley; Lizzie and Peter, children of ——— Daniels; Dellia, child of Alex Stone; Lillie, Erie and Kattie, children of George Tebo; Clarence and Baraba, children of William Shorkey; Delbert and Harvey, children of Charles Sterling; Maggie, child of J. Mayhew; George, child of T. D. Barron; Addie, Harry and Roy, children of Henry Geist; Horace, Hilda and Nanny, children of James St. Barnard; Angie, child of B. B. Potter; Guy, Cyrus and Anna, children of Henry Peasley; Clarence and Louisa, children of Clarence Sterling; Howard, Cora and Richard, children of William Smith; Hattie and Marion, children of Walter J. Trumbull; George, Ruby, Martin and Martha, children of ——— Browning. Who entitled to free tuition.

This act is ordered to take effect July first, eighteen hundred ninety-nine.

Approved May 2, 1899.

[No. 385.]

AN ACT to amend section eleven of chapter twenty-three of act number three hundred seventy-six of the Local Acts of eighteen hundred ninety-seven, entitled "An act to amend the charter of the City of Jackson, to repeal certain sections thereof, and to add certain sections thereto."

The People of the State of Michigan enact:

SECTION 1. That section eleven of chapter twenty-three of act number three hundred seventy-six of the local acts of eighteen hundred ninety-seven, entitled "An act to amend the charter of the city of Jackson, to repeal certain sections thereof, and to add certain sections thereto," be and the same is hereby amended so as to read as follows: Section amended.

Duty of treasurer in collecting taxes.

Treasurer to file statement.

Sections repealed.

SEC. 11. The treasurer, upon receiving the warrant mentioned in the preceding section, shall proceed to collect the taxes and assessments therein mentioned that remain unpaid, and shall call upon each person whose taxes or assessments remain unpaid, if a resident of the city, at least once, and demand payment of the taxes and assessments charged to him upon said roll, and the percentage for the collection of the same, and in case of refusal or neglect to pay such taxes or assessments, and assessments and collection percentage, the treasurer shall levy the same by distress and sale of the goods and chattels of every such person, wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made; and the treasurer shall, within ten days after the time mentioned in his warrant for the collection of said unpaid taxes and assessments, return said tax roll into the office of the recorder, and in case any of the taxes or assessments mentioned in said roll shall remain unpaid and he shall be unable to collect the same, he shall make out a statement of the taxes and assessments remaining unpaid and due, with a full and perfect description of such premises from said roll and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not upon diligent inquiry been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax or assessment. And thereupon, and immediately upon the completion of such statement, the said city treasurer shall file the same, together with a certified copy of his assessment roll with the treasurer of the county of Jackson, and thereupon all the unpaid taxes upon real property set forth in said statement shall be collected under the general laws of the State in the same manner and with like effect as delinquent lands returned by the township treasurers but for the benefit of the said city of Jackson, and the treasurer of said city shall have the right to appear upon the sale of such lands, if any shall be made by the county treasurer, and bid the same in, if necessary, for the benefit of the said city of Jackson. Sections thirteen, fourteen and fifteen of said chapter twenty-three are hereby repealed, saving and reserving however, to the city of Jackson, the right and authority as to the general city taxes of the year eighteen hundred ninety-six, and as to any special assessment of such year, or of any year prior thereto, to proceed to a sale of any and all lands subject to such general taxes or special assessments, and to execute deeds thereof to the purchasers of such lands in the same manner, and as provided in said charter before the passage of

act number three hundred seventy-six of the local acts of the year eighteen hundred ninety-seven.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 386.]

AN ACT to amend section five of act number two hundred fifty-eight of the local acts of Michigan for the year eighteen hundred seventy-seven, approved March twenty-first, eighteen hundred seventy-seven, entitled, "An act to incorporate the village of Flushing."

The People of the State of Michigan enact:

SECTION 1. That section five of act number two hundred fifty-eight of the local acts for the year eighteen hundred seventy-seven, approved March twenty-first, eighteen hundred seventy-seven, entitled "An act to incorporate the village of Flushing," be and the same is hereby amended to read as follows: Section amended.

SEC. 5. The bridge or bridges now built, or that may hereafter be built across the Flint River, within the territory described in section one of this act, shall be built and maintained by said village of Flushing: *Provided, however,* That said village of Flushing and the territory within the same shall be exempt from the payment of any highway tax hereafter assessed within the township of Flushing. Village to maintain bridge.
Proviso.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 387.]

AN ACT to amend section one of act number four hundred nineteen of the Local Acts of eighteen hundred and ninety-seven, entitled "An act to authorize the Townships of Sand Beach, Sigel, Paris, Verona and Bingham, and the Villages of Sand Beach and Uby, in the County of Huron, to permit the operation of a railway by means of electric or other motive power, except steam power, and the laying of a railway track in, along and across the highways within said Townships and Villages or any of them."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one of act number four hundred nineteen of the local acts of eighteen hundred and ninety-seven, approved April twenty-eighth, eighteen hundred and ninety-seven, entitled "An act to authorize the townships of Sand Beach, Sigel, Paris, Verona and Bingham, and the villages of Sand Beach and Ubly, in the county of Huron, to permit the operation of a railway, by means of electric or other motive power except steam power, and the laying of a railway track in, along and across the highways within said townships and villages or any of them," be and the same is hereby amended to read as follows:

Township
boards and vil-
lage councils,
authority as to
railways, etc.

SECTION 1. That the several township boards of the several townships in the county of Huron and the several common councils of the various incorporated villages in said county of Huron or any of them, be and are hereby severally authorized and empowered, by resolution adopted at any regular or special meeting of such township board or village council, at which a majority of the members thereof is present, to grant to any person or persons, company or corporation a franchise and license and permit him, them and it and his, their or its successors and assigns to lay a track or tracks, and operate his, their or its road with electricity or other motive power, except steam power, in, along and across the several highways and streets of such townships and villages as are mentioned or pointed out in such resolution, and thereover transport passengers, freight and merchandise, and upon such terms and conditions as to the time for completion of said road and as to the taxation thereof as may be therein contained and set forth: *Provided*, That no such franchise for the use and occupancy of such highway and street and the license to construct and operate such road shall affect the right or claim of damages sustained by any person or persons by reason of the construction or operation of such railway; and, *Provided further*, That no such franchise shall be granted for a longer period than thirty years from the date of the completion of such railway or some part thereof within the limits of the township or village granting such permission. But no such grant or permission shall entitle the person, firm or corporation to lay their track in the road bed or traveled part of stone, macadamized or made roads in said townships.

Proviso.

Further
proviso.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 388.]

AN ACT providing for the appointment, Compensation and the duties of a Stenographer for the Circuit Court Commissioners courts for the County of Wayne, and for taking and transcribing of testimony in cases on examination.

The People of the State of Michigan enact:

SECTION 1. That a stenographer for the circuit court commissioners courts of Wayne county shall be appointed by the Governor, on the certificate of the commissioners of said courts, that the business of said courts is such as to render the employment of a stenographer desirable. Governor to appoint stenographer.

SEC. 2. The person so appointed shall be deemed an officer of the courts, and shall hold the position during the pleasure of the Governor, provided that the commissioners shall have the power to suspend him for misconduct, and in case of such suspension, he shall thereafter cease to hold the office of stenographer, unless by order of the commissioners his suspension be rescinded. If such suspension shall not be rescinded within thirty days after the order, the office shall be deemed vacant, and it shall thereupon be the duty of the Governor, on receiving notice from the commissioners of such vacancy, to fill the same by appointment. Term of office.

SEC. 3. In case of the death or resignation of the stenographer, or his inability to serve from any cause, the Governor shall appoint a successor to the office, on receiving notice from the commissioners of such fact; but in case of sickness or temporary absence of the stenographer, the commissioners may appoint some competent person to act in his absence. When successor to be appointed.

SEC. 4. It shall be the duty of every stenographer so appointed, to attend upon the courts, and to take full stenographic notes of the testimony, and to render such assistance in transcribing the official reports and documents of the commissioners as they may request. Duty.

SEC. 5. The stenographer appointed shall receive, as a compensation, a salary of twelve hundred dollars per annum, which shall be paid in monthly installments out of the county treasury. Compensation, how paid.

SEC. 6. It shall be the duty of the stenographer so appointed, in case counsel for either party shall desire a transcript of testimony, to furnish the same, and he shall be entitled to receive therefor, from the party so requiring it, the sum of ten cents per folio for each folio so transcribed, and four cents per folio for each copy thereof. Where transcripts are required by more than one party, then the cost of the original and of the copies shall be apportioned among such parties. To furnish transcript of testimony. Fees.

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 389.]

AN ACT to amend sections twelve and twenty-seven of chapter seven; sections four and six of chapter twenty-two; section five of chapter twenty-three; sections one and eight of chapter twenty-six; sections four and five of chapter twenty-seven as amended by section four of chapter twenty-seven of act number four hundred forty-six of the Local Acts of this State for the year eighteen hundred ninety-seven; chapter thirty as amended by section seven of chapter thirty of act number three hundred ninety-nine of the Local Acts of this State for the year A. D. eighteen hundred ninety-seven; chapter thirty-one by adding two new sections thereto to stand as sections eleven and twelve of said chapter thirty-one, of act number four hundred and thirty-four of the Local Acts of this State for the year eighteen hundred and ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred and fifty-five, entitled 'An act to incorporate the village of Three Rivers' approved February thirteenth, eighteen hundred and fifty-five and all amendments thereto."

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections twelve and twenty-seven of chapter seven; sections four and six of chapter twenty-two; section five of chapter twenty-three; sections one and eight of chapter twenty-six; sections four and five of chapter twenty-seven as amended by section four of chapter twenty-seven of act number four hundred forty-six of the local acts of this State for the year eighteen hundred ninety-seven; chapter thirty as amended by section seven of chapter thirty of act number three hundred ninety-nine of the local acts of this State for the year A. D. eighteen hundred ninety-seven; chapter thirty-one by adding two new sections thereto to stand as sections eleven and twelve of said chapter thirty-one, of act number four hundred and thirty-four of the local acts of this State for the year eighteen hundred and ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred and fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteenth, eighteen hundred and fifty-five, entitled 'An act to incorporate the amended to read as follows:

CHAPTER VII.

CITY TREASURER.

SEC. 12. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required by the council, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually, on the third Monday in March of each year, and as often and for such period as the council shall require a full and detailed account of the receipts and disbursements of the treasurer since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk, and shall be published in one or more newspapers of the city.

When treasurer
to report to
clerk.

Detailed state-
ment to council.

JUSTICES OF THE PEACE.

SEC. 27. The justices of the peace elected under the provisions of this act shall have and exercise within the city and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of the justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures for the violation of this act, and for encroachments upon, and injuries to, any of the streets, alleys and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcement of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter ten of this act.

Justices of the
peace, jurisdic-
tion and powers
of.

CHAPTER XXII.

WATER-WORKS.

SEC. 4. The council may whenever necessary, raise and expend, in making repairs or alterations, or in extending its water-works, such sum as they may see fit, without submitting

Amount may be
expended for
water-works.

'the question to the electors of the city, but the sum to be raised for such purposes shall be included in and shall not increase the total amount which, by the provision of section four, chapter twenty-six, of this act, the council is authorized to raise.

Scale of rates.

SEC. 6. The council shall establish a scale of rates to be charged and paid for supply of water, to be called water rates, which rates shall be appropriate to different classes of buildings in the city, with reference to their dimension, value, exposure to fires, ordinary or extraordinary uses for buildings, stores, shops, hotels, factories, livery stables, barns, and all other buildings, establishments and trades, yards, number of families or occupants of consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates, and the council may prescribe by ordinance when and to whom such water rates shall be paid, and what steps shall be taken to enforce payment thereof, and may provide in case of non-payment, that the supply of water may be shut off or stopped as to any person or persons neglecting or refusing to make such payment, and may also collect the same in an action of assumpsit on the common counts, in the name of the city in any court of competent jurisdiction.

CHAPTER XXIII.

LIGHTING.

Amount may be raised for lighting, etc.

SEC. 5. After lighting works have been purchased or constructed as aforesaid in such city, the council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable, without submitting the question to the electors of the city, but the sum to be so raised, in any one year, shall be included in, and shall not increase the total amount which, by the provision of section four of chapter twenty-six of this act, the council is authorized to raise.

CHAPTER XXVI.

FINANCE AND TAXATION.

Fiscal year.

Proviso.

SECTION 1. The fiscal year of the city shall commence on the second Monday in April in each year: *Provided*, That the fiscal year ending January first, nineteen hundred shall continue until the second Monday in April following.

Council, how to determine amount of assessments.

SEC. 8. The council shall also, in the month of September in each year, determine by resolution, the aggregate amount estimated as aforesaid to be raised by general tax to defray the expenditures and liabilities of the corporation for the next

fiscal year as provided in section six of this chapter; and order the same to be raised by tax with the next general tax levy. The council shall also designate in such resolution the amounts or any part of any special assessment which they require to be levied with the next general tax as provided in section twenty-four of chapter twenty-one of this act, together with the description of the lot, premises or property upon which such special assessment is required to be made, and also therein direct the city clerk to certify such special assessment to the supervisor of the respective wards of the city in which such property may be for assessment and levy.

CHAPTER XXVII.

BONDED AND OTHER INDEBTEDNESS.

SEC. 4. In case the city shall at any time as in this act provided decide to purchase or construct and equip an electric or other lighting plant the council shall determine by resolution what portion of the amount that the city may at any such time borrow under the preceding section they will appropriate towards the expense of said plant, and if the amount the council shall so decide to appropriate shall not be sufficient to pay the sum authorized to be raised for the purpose of such plant, the council may borrow and issue the bonds of the city therefor such additional sum of money not exceeding twelve thousand dollars as shall be necessary to make up the balance of the sum authorized to be borrowed for the purchase or construction and equipment of such lighting plant, and further, the city of Three Rivers is hereby authorized and empowered to borrow not exceeding fifty thousand dollars on the faith and credit of said city and issue its bonds therefor to be used in making public improvements, including the construction and erection of public buildings, bridges and approaches thereto in said city, to be used in said city, as the council may determine, and also for the purchase and improvement of grounds for parks and for the purchase of sites for such public buildings: *Provided*, The council of said city by a two-thirds vote shall first determine so to do *And, provided further*, That two-thirds of the electors of said city voting on the question of such loan as provided in the next succeeding section shall be in the affirmative. If such loan shall be authorized by two-thirds of said electors such bonds may issue in such sums not exceeding in all the amount hereinbefore limited and payable at such times as the council of said city may direct, subject to the limitations as to the time specified in section eight of this chapter, and the moneys arising therefrom shall be expended for public improvements including the purchase and improvement of park grounds and the purchase of building sites and the erection of public buildings, the construction of bridges and approaches thereto as the council of

Who to determine amount city may borrow.

Amount city authorized to borrow.

Proviso. Further proviso.

said city shall determine and if the county of St. Joseph shall determine to remove the county seat of St. Joseph county to Three Rivers, the said city by its council is hereby authorized to make such contracts or agreements in relation to the use and disposition of any of its public improvements, grounds, buildings, electric light, water and sewers by the county as in the opinion of said council will be for the best interests of said city, and at the same time provide necessary grounds, buildings, water, light and sewer for the county. If such bonds shall be issued as hereinbefore authorized it shall be the duty of the council of said city from time to time to levy and assess such taxes upon the taxable property of said city as may be necessary to meet and pay the interest and principal of such bonds as the same become due, which taxes so necessary shall be in excess of any other taxes authorized by the provisions of the charter of Three Rivers.

To be submitted
to electors.

SEC. 5. Before any money shall be borrowed by the city except as provided in section two of this chapter the council shall determine by resolution the purpose for which the loan is to be made, and the amount of money necessary to be raised for such purpose, and the question of raising such sum for such purpose shall be submitted to the electors of the city, at its next annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as two-thirds of the electors voting at such election and upon such question shall decide: *Provided*, That all ballots cast upon such question shall be separate from all other ballots that may be cast at any such election, and shall be deposited in a ballot box provided for their reception.

Proviso.

CHAPTER XXX.

LIBRARY.

Estimate for
support.

SEC. 7. After such purchase or division the board of directors of said library shall report its estimate of the amount of money necessary for the support and maintenance of said library to the city clerk and such money shall be raised by taxation and the city may levy a tax of not to exceed one and one-quarter mills on the dollar annually on all the taxable property in the city such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "Library Fund."

Provisions not
changed by
incorporation
of city as the
fourth class.

And should the electors of said city of Three Rivers at any time vote to become subject to act number two hundred fifteen of the public acts of this State for the year A. D. eighteen hundred ninety-five and amendments thereto being "An act to provide for the incorporation of Cities of the Fourth class," all the provisions within chapter thirty of the charter of the city of Three Rivers, relative to the library and maintenance thereof shall remain in full force and effect and shall not be

superseded by any provision of the said act number two hundred fifteen of the public acts of this State for the year A. D. eighteen hundred ninety-five, or amendments thereto.

CHAPTER XXXI.

BOARD OF PUBLIC WORKS.

SEC. 11. Whenever by resolution the council of said city of Three Rivers shall determine that it is expedient to abolish the board of public works of said city, they shall submit the question to the qualified voters of said city, at any general or special election called for that purpose, and the question shall be stated on the ballot as follows; "Shall the Board of Public Works be abolished," and below and on different lines shall be printed the word "Yes" and the word "No." The said board of public works shall not be abolished unless two-thirds of the electors voting on said proposition shall by ballot so determine. An election under the provisions of this chapter cannot be held oftener than once in two years and notice of such election shall be given in the same manner and for the same length of time as is provided in the charter of said city for the calling of special elections, and the vote shall be counted and canvassed and the return shall be made, and the result declared and determined in the same manner as is provided in such charter for the counting, canvassing and returning of votes and the determining of the result thereof at special elections.

To be submitted to voters.

Form of ballot.

Votes required to abolish.

Time of elections.

SEC. 12. If at any such election two-thirds of the electors of said city voting thereon shall vote to abolish said board of public works, then all the powers, rights and privileges now exercised by or vested in said board of public works as well as all duties and obligations imposed upon said board of public works by this charter shall be vested in and exercised by the council of said city of Three Rivers as it shall direct. The intention being that the board of public works shall in all matters now appertaining to them under this charter be superseded by the council of said city of Three Rivers and said council may appoint a committee of its own members more particularly to perform these duties always under the supervision and direction of the council and subject to such rules and regulations as the council may determine.

Vote required to abolish.

Powers, etc., superseded by common council

This act is ordered to take immediate effect.

Approved May 2, 1899.

[No. 390.]

AN ACT to detach certain Territory from the Township of Munising, in the County of Alger, and to attach the same to the Township of Burt, in the County of Alger.

The People of the State of Michigan enact:

Territory detached.

Territory attached.

SECTION 1. That township forty-eight north, of range fifteen west, and fractional townships forty-eight north, of range sixteen west, forty-nine north, of range fifteen west, and forty-nine north, of range sixteen west, be and the same are hereby detached from the township of Munising, in said county of Alger, and attached to the township of Burt, in said county of Alger.

This act is ordered to take immediate effect.
Approved May 8, 1899.

[No. 391.]

AN ACT to amend sections ten, fifty-five, sixty-nine, ninety-three, ninety-four and ninety-five of Act number four hundred, of the Local Acts of eighteen hundred ninety-seven, entitled "An act to Revise and Amend the Charter of the City of Flint."

The People of the State of Michigan enact:

Sections amended.

Special elections.

Vacancies when council may fill.

Removals from office, power relative to.

Actions commenced by summons.

SECTION 1. That sections ten, fifty-five, sixty-nine, ninety-three, ninety-four and ninety-five, of act number four hundred, of the local acts of eighteen hundred and ninety-seven entitled "An act to revise and amend the Charter of the City of Flint." be and the same are hereby amended to read as follows:

SEC. 10. The common council may order special elections to be held to fill vacancies. In such cases notice thereof shall be given by the clerk in the official paper of the city for the same length of time as for a general election. And the common council may fill any vacancy occurring in any office until the next election, and the council may by a two-thirds vote of all the members elect, on the recommendation of the mayor for neglect of duty, after a hearing, remove any officer of said city, and appoint his successor to fill the office till the next election.

SEC. 55. All actions against the city of Flint shall be commenced by summons, which shall be served on the city clerk by giving him a copy of such summons with the name of the officer serving the same endorsed thereon, or in case of the absence of the city clerk then by leaving such a copy with

the mayor, endorsed as aforesaid, provided that no suit shall be maintained against the city until the claim whereon the same is founded shall have been presented to the common council, duly verified at a regular meeting of the same for allowance, and until one regular meeting of the common council shall have intervened: *And provided further*, That in all cases of personal injuries, notice shall be given to the city clerk in writing by the party injured within sixty days from the date of receiving such injuries, that such person intends to hold said city liable, and stating the time when, the place where such injury took place, and the extent of such injury as far as known. Which notice shall be signed by such party, and the giving of such notice shall not exempt the person injured from filing or presenting a claim for such injuries in the manner in this act provided for, for allowance by the council; and failure to give such notice shall be a sufficient defense to any action brought on account of such injuries.

Proviso.

Proviso relative to personal injury.

SEC. 69. All taxes, both general and special, unless herein otherwise provided, shall be extended on the several assessment rolls by the city clerk, and all warrants for the collection thereof shall be signed by the mayor and city clerk. And the city clerk shall, when directed by the council, extend on said assessment rolls a sum sufficient to pay any judgment or judgments then existing against said city, and any sum that has been expended by said council in paying or compromising said judgments, and any sum or sums of money paid by said council to settle or compromise claims against said city, for personal injury or injuries to property, for which the city would be liable in the judgment of the council under the statutes of this State. *Provided* The council may extend the time for making out and delivering the June rolls to the city treasurer, specified in section seventy-four of the charter, from the fourth Monday in June to the third Monday in July in each year.

Duty of city clerk relative to assessment of taxes.

Proviso.

SEC. 93. There shall be a board of equalization and review, non-partisan as near as may be, composed of one member from each ward elected as provided in section nine of this charter, who shall be electors and free holders, and the city attorney and the senior alderman of each ward, and the city clerk. It shall choose one of its members chairman, and the city clerk shall be its clerk. The full term of the elected members of the board of review shall be two years from the first Monday of May in the year in which they were severally elected. In the case of a vacancy caused by death, resignation, removal from his ward, or otherwise, the mayor shall nominate a free-hold elector of the ward in which the vacancy occurs to fill the same. Every person so nominated on being confirmed by a majority vote of all the aldermen elect, and taking the constitutional oath, shall be a member of said board until the next annual election. If any person so appointed a member of said board, shall refuse or neglect for ten days after being duly notified thereof to qualify by taking said oath and filing it with the city clerk, the latter shall at once notify the

Board of review to be non-partisan.

Term of office.

Vacancies, how filled.

Declination of appointee, how to proceed.

mayor and council thereof. Such failure may be treated as a declination of the office and a new nomination may be thereupon made and confirmed in the manner aforesaid.

Time and place
of meeting.

SEC. 94. On the Tuesday next following the third Monday in May in each year, at nine o'clock in the forenoon, the board of review of said city shall meet at the council room, at which time the city clerk shall submit to said board the assessment rolls of the several wards for the current year, as prepared by the several supervisors of the city, and filed in his office, and the said board shall proceed to examine and review the same; and during that day, and the next three days of its session, said board, of its own motion, or on sufficient cause being shown by any person, shall add to said roll the names of persons, the value of personal property and the description and value of real property liable to assessment in said city omitted from any such assessment rolls; they shall correct all errors in the names of persons, in the description of property upon such roll, and in the assessment and valuation of property thereon, and they shall cause to be done whatever else may be necessary to make said roll comply with the provisions of the tax laws of the State of Michigan applicable thereto as now in force or hereafter enacted. The board shall pass upon each valuation and each interest, and shall enter the valuation of each as fixed by it in a separate column. The rolls as prepared by the supervisors shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. If for any cause a quorum does not assemble during the days above mentioned, the roll as prepared by the supervisors shall stand as if approved by the board of review. It shall be the duty of the clerk of said board, whenever it shall have increased the valuation of real estate, or added to the value of personal property on any of said rolls, to at once notify or cause to be notified the party against whom such increased assessment is made that the same has been done, and that he can appear before said board at a subsequent sitting named, and show cause under oath why such increase of assessment should not stand, if he objects thereto: such notice shall be in writing, or partly printed and partly written and signed by said clerk. It may be served by mail, postpaid, duly addressed to the party at his last known place of residence, in which case the time of mailing shall not be less than two full days before the time of hearing, or it may be personally served, in which case one full day's service of such notice shall be sufficient.

Power and
duty of board.

In absence of
quorum, how
proceed.

Duty of clerk
relative to
increased
valuations.

Notice, how
served.

Second meet-
ing, etc.

SEC. 95. The said board of review shall also meet at the common council room on the Tuesday next following the fourth Monday in May at nine o'clock in the forenoon, and continue in open and public session during that day and the three days following, and not less than six hours each day exclusive of noon recess, and at the request of any person whose property is assessed on either of said rolls, or his agent, and on suffi-

cient cause being shown under oath, shall correct the assessment in such manner as in their judgment shall make the valuation thereof relatively just and equal; and said board may do all acts that it was authorized to do at its first sessions the week before, and may in addition thereto, raise or lower the valuation of any property, when notice has been given as heretofore provided, or where the party assessed has been before it, or when he has had personal notice to attend, if a resident of the city of Flint, on any day to attend before said board at its session on the next day following. To that end the said board may examine on oath the person making such application, or any other person touching the matter. Any member of said board may administer such oath. After said board shall complete the review of said rolls, a certificate to the effect that the same is the assessment roll for the ward therein named for the year in which it has been prepared and approved by the board of review shall be endorsed thereon, signed by the chairman and clerk of said board, which certificate may be in form as follows: "The board of review of the city of Flint certify that the within or annexed roll is the assessment roll of the _____ ward, of the city of Flint, for the year 18—, as approved by said board.

Correction of assessments, how made.

May raise or lower valuations.

Examination on oath.

Who may administer. Certification of roll.

Form of certificate.

Chairman.

Clerk."

Upon the completion of said rolls, and their endorsement in the manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes prescribed by the general State law. The omission of said endorsement shall not affect the validity of such roll. For the purpose of equalization by the board of supervisors of the county of Genesee, the said word "assessment rolls" shall be deemed as a single roll. The valuation fixed and determined by said board shall be the valuation of the taxable property of the city of Flint as a unit, and the State, county and other taxes apportioned by said board of supervisors shall be apportioned to said city, and not to any ward thereof, and shall be certified to the clerk of said city.

Presumption of validity.

Omission of endorsement not to affect validity. "Assessment rolls." definition of.

State, county and other taxes, how apportioned.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 392.]

AN ACT to amend sections one hundred thirty and one hundred six of act number three hundred thirty-one of the local acts of Michigan of the year eighteen hundred eighty-nine, entitled "An act to reincorporate the city of Ann Arbor, and revise the charter of said city, 'as amended by act number two hundred sixty-two of the local acts of eighteen hundred ninety-one, act number two hundred eighty-two of the local acts of eighteen hundred ninety-one, act number three hundred sixty-eight of the local acts of eighteen hundred ninety-five, and act number four hundred sixty-nine of the local acts of eighteen hundred ninety-seven.'"

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section one hundred thirty of act number three hundred thirty-one of the local acts of eighteen hundred eighty-nine, entitled "An act to reincorporate the city of Ann Arbor, and revise the charter of said city, 'as amended by act number two hundred sixty-two of the local acts of eighteen hundred ninety-one, act number two hundred eighty-two of the local acts of eighteen hundred ninety-one, act number three hundred sixty-eight of the local acts of eighteen hundred ninety-five, and act number four hundred sixty-nine of the local acts of eighteen hundred ninety-seven,'" be and is hereby amended by adding a new sub-division to stand as sub-division "H," and section one hundred eighty-six be and is hereby amended to read as follows:

Council to levy
tax to pay
expense of
sprinkling
streets, etc.

SEC. 130h. The common council shall have power to assess and levy a tax to pay the expense of sprinkling streets, lanes and alleys upon the lots, premises, lands and tenements of said city, which, in the opinion of the common council, are benefited by such sprinkling: *Provided*, That no such sprinkling shall be done otherwise than by general tax, unless upon a petition signed by the owners of a majority of the front feet of the property benefited by such sprinkling. The common council shall have the power to pass all ordinances necessary for the carrying out of this provision: *Provided*, That the procedure for the levy and collection of said tax or taxes shall conform as near as may be, to the provisions of the charter of the city of Ann Arbor, relative to the levy and collection of taxes for pavements: *And provided further*, That when any tax shall be ordered under the provisions of this section, or any ordinance passed in pursuance thereof, it shall be the duty of the city assessor to repeat from year to year, the assessment of the cost of such sprinkling upon the district specified by the council, until the common council shall order otherwise; but it shall be the duty of the common council to discontinue such assessment upon the petition of the owners of a majority of the front feet of the property in the district subject to assessment for such sprinkling.

Proviso.

Proviso.

Further
proviso.

SEC. 186. No bond, note or other obligation or evidence of indebtedness of said corporation, except orders on the treasurer, as hereinafter provided, and also except bonds for sewerage and paving purposes, shall ever be given or issued by said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any money, unless the same shall have been duly authorized by the legislature of this State, and shall have been submitted to and voted for by a majority of the electors of said city voting thereon, in conformity to this act; but the common council may allow just claims against the city, and may issue orders therefor on the treasurer, or payable on presentation from any moneys then in the treasury, on the first day of February thereafter; but such second named class of orders shall not, in any fiscal year, exceed the aggregate taxes levied in such year for the payment of the same. All moneys collected for the use of the city shall be paid into the city treasury, and no moneys shall be paid from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn. The treasurer shall pay out no money except upon the written warrant of the mayor and city clerk, which warrant shall specify the fund from which the money is to be paid: *Provided*, That school moneys shall be paid to the treasurer of school district number one of the city of Ann Arbor upon the warrant of the president and secretary of said board. The common council may, at any regular meeting thereof, by resolution duly adopted by a majority of all the members elect authorize the issuing of bonds to the amount not exceeding one hundred fifty thousand dollars outstanding at any one time, for the purpose of paving any alley, street or streets in such city, such bonds to run for a period not exceeding ten years from the date of their issue, and that a rate of interest not exceeding five per cent per annum, and the common council for the purpose of carrying out this provision may pass such ordinance or ordinances as may be deemed necessary.

Bond issue.
how to be.

Money, how
paid.

Proviso.

Bond issue.
limit of.

Rate of interest.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 393.]

AN ACT to amend sections eleven and twenty of an act entitled "An act to revise an act entitled 'An act relative to free schools in the city of Grand Rapids,' approved March fifteen, eighteen hundred seventy-one, as amended by an act approved April twenty-four, eighteen hundred seventy-five, approved May nine, eighteen hundred seventy-seven, and as further amended May three, eighteen hundred seventy-nine, March sixteen, eighteen hundred eighty-one, June nine, eighteen hundred eighty-five, April twenty-seven, eighteen hundred eighty-seven, and May twenty-three, eighteen hundred ninety-three."

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections eleven and twenty of an act entitled "An act to revise an act entitled 'An act relative to free schools in the city of Grand Rapids,' approved March fifteen, eighteen hundred seventy-one, as amended by an act approved April twenty-four, eighteen hundred seventy-five, approved May nine, eighteen hundred seventy-seven, and as further amended May three, eighteen hundred seventy-nine, March sixteen, eighteen hundred eighty-one, June nine, eighteen hundred eighty-five, April twenty-seven, eighteen hundred eighty-seven, and May twenty-three, eighteen hundred ninety-three," be amended so as to read as follows:

Board of educa-
tion, power of.

SEC. 11. The board of education of said city shall have power and authority to designate and purchase schoolhouse sites and a district library site; to construct and erect school buildings and a district library building, and furnish the same; to employ superintendents, teachers, librarians, janitors, and workmen; to provide room, furniture, apparatus, books and charts and all things requisite for the district library; to provide apparatus and scientific collections for illustration; to establish, locate and maintain high schools, grammar schools, primary schools and industrial or manual training schools; to establish and maintain a district library; to purchase, exchange, repair and improve the school apparatus, books, furniture, appendages, fixtures, text-books, and all other school supplies used in said schools; to supply and loan to all pupils in the several grades and departments of said schools, free of charge, but under such rules and regulations as the board shall prescribe, all text-books and supplies used and to be used by the pupils of said schools; to collect in and recover back all books and apparatus heretofore loaned and given to indigent pupils of the public schools of said city; to do all things needful and desirable for the maintenance, prosperity and success of said schools, and the promotion of the thorough

Free use of
text books and
supplies, how
given.

education of the pupils thereof; and to adopt by-laws and rules for the procedure of the board, and to make and enforce all needful rules and regulations for the control and management of the school and district library of said city. Said board shall collect from the county treasurer, or other officer holding the same, all moneys appropriated for primary school and district library purposes. Said board may, in its discretion, purchase and loan text-books and supplies to the pupils of any one or more of said grades and departments.

By-laws, rules and regulations, power to adopt.

Primary and district library moneys, right to collect.

SEC. 20. The said board shall have full power and authority within the limitations of this act to borrow such sums of money as may by them be deemed necessary for the purpose of purchasing schoolhouse sites, and building schoolhouses, and purchasing a district library site and erecting a library building thereon, in said city: *Provided*, That the action of said board authorizing such loans, shall first be submitted to the common council of said city for its approval, and if approved by a majority of the members elect of said council, the bonds of the city shall be issued and deposited with the treasurer of said board of education, for such amounts and upon such terms of payment and drawing such rate of interest not exceeding five per cent per annum, as said board and council may direct, which bonds shall not be valid until countersigned by the president and secretary of the said board of education: *Provided, also*, That no bonds issued under this act shall be sold at less than par: *Provided further*, That no money shall be borrowed or bonds issued for the purpose of purchasing a district library site or erecting a building thereon, until the question of borrowing such money and issuing said bonds shall at any general or a special election called for that purpose be submitted to the electors of said city qualified to vote under the general election laws of this State, and shall be determined as a majority of the electors voting at said election by ballot shall decide.

May borrow money for certain purposes.

Proviso.

Further proviso.

Proviso as to libraries.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 394.]

AN ACT authorizing the township of Gladwin, in the county of Gladwin, to issue bonds to the amount of three thousand dollars for the payment of the balance of a judgment against such township in favor of the county of Gladwin, and to provide for the manner of issuing the same.

The People of the State of Michigan enact:

May borrow
money and
issue bonds.

Purpose of
bonds

Vote required.

Election notice,
how given, etc.

Vote to be by
ballot.

Form.

Election, how
conducted.

Bonds, when
issued, rate of
interest, etc.

SECTION 1. The township of Gladwin, in the county of Gladwin, is hereby authorized and empowered to issue bonds upon the faith and credit of such township to the amount of three thousand dollars, and to use or negotiate the same for the purpose of raising money to pay the balance of a judgment against such township in favor of the county of Gladwin, heretofore rendered in the circuit court for said county, upon the conditions, under the circumstances and in the manner hereinafter provided.

SEC. 2. No such bonds shall be issued unless a majority of the qualified tax-paying electors of said township, as shown by the last preceding tax roll of said township voting at a township meeting, a general election or a special election duly called to be held at a time to be fixed by the township board of said township, not more than sixty days after said board shall have decided to call said election, which shall be held at the same place as the last preceding township election was held, and conducted in the manner hereinafter provided, shall so determine; and the said township board is hereby authorized and empowered to submit the question of said bonding to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices, to be posted in five public places in said township at least twenty days before the time fixed for such election, which notices shall state the amount of money proposed to be raised by such bonding, and the purpose to which it shall be applied.

SEC. 3. The vote upon such proposition shall be by a printed ballot in the following words:

“For the issuing of township bonds to pay balance of judgment in favor of Gladwin county—Yes. For the issuing of township bonds to pay balance of judgment in favor of Gladwin county—No.”

Such election shall be conducted and the votes thereat canvassed in all respects as in other township elections, and immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against it. Said inspectors shall indorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the clerk of said township, and a copy thereof certified to by said township clerk shall be filed in the office of the clerk of Gladwin county.

SEC. 4. If such issue of bonds shall be authorized by vote of electors of said township, such bonds may be issued in such sums not exceeding the amount hereby authorized, payable at such time and place not exceeding ten years from the date of such bonds, and with such rate of interest, not exceeding six

per cent per annum, as such township board shall direct by resolution. Said bonds shall be signed by the township board and countersigned by the township treasurer, and negotiated by and under the direction of said board, and the moneys arising therefrom shall be used in paying the balance due on said judgment in favor of the county of Gladwin against said township.

How signed and negotiated.

SEC. 5. It shall be the duty of the said township board to provide for the raising by tax upon the taxable property of such township such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

Tax for payment.

SEC. 6. No bonds issued under and by virtue of this act shall be negotiated at less than their par value.

Bonds, how negotiated.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 395.]

AN ACT to organize the Union School District of the Township of Burt in Cheboygan County.

The People of the State of Michigan enact:

SECTION 1. That the territory comprising the township of Burt in Cheboygan county, shall constitute a single school district. Such school district shall be a body corporate by the name and style of the "Union School District of the Township of Burt," and shall possess the usual powers of corporations for public purposes, and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased or acquired by graded schools of this State.

District organized.

Name.

SEC. 2. Three trustees shall be elected at the school meeting to be held in said school district on the first Monday of September, eighteen hundred ninety-nine, one for the term of one year, one for the term of two years and one for the term of three years, who, with the township clerk of said township shall constitute the board of education of said district. Annually thereafter one member of said board shall be elected for the term of three years. The township clerk shall give ten days notice of such first election in the same manner as with reference to annual school meetings, of primary school districts. The supervisor and township clerk of the township of Burt shall be inspectors of election at the first election under this act; at all subsequent elections the president and secretary of the board of education shall be inspectors of election. Said inspectors shall conduct the proceedings at such election

Trustees, number of, how elected.

Notice of election.

Inspectors.

Vacancies.

conformably to the law in relation to the officers in graded districts in this State. The board of education shall have power to fill any vacancies that may occur in their number until the next annual meeting. They shall elect from their own number annually at such time as they shall designate a president and secretary, and shall meet from time to time as they may determine for the transaction of business and shall keep a record of their proceedings.

President to be chairman of board.

SEC. 3. The president of said board of education shall be the chairman of said board and the executive officer of said board and school district. In all suits against said district process shall be served on him. He shall have the care and management over the affairs and property of said school district and shall receive for his services such sum as the board

Compensation.**Who to be secretary, duties of.**

of education may determine, but not to exceed twenty-five dollars annually. The township clerk of the township of Burt shall be the secretary of said board, keep a record of its proceedings, draw orders on the treasury, as directed by the board, and be vested with such powers and duties as are conferred by law upon the directors of graded school districts so far as the same are not inconsistent with this act. He shall have a vote

Compensation.

upon all questions and receive for his services such compensation as the board may determine, but not to exceed thirty dollars annually. Members of said board, except the president and secretary, shall each receive as compensation for all of his services, such sum, not exceeding ten dollars annually as the board may determine. No member of said board shall be a party to or interested in any contract with the school district. The president and secretary shall be ex-officio school inspectors of said township and succeed the present board of school inspectors, whose term of office shall expire immediately upon the election and qualification of said president and secretary.

Who to be treasurer.

SEC. 4. The treasurer of the township of Burt shall be ex-officio treasurer of said school district, and with his sureties be liable on his bond as such township treasurer for all moneys coming into his possession or control for the school district. Such moneys shall not be used, or applied to or paid out for any purpose except on the written order of the president, countersigned by the secretary of the board. Any officer or person paying to the treasurer any money belonging to the schools, otherwise than in the payment of taxes assessed upon the tax roll of said township, shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

Board to publish statement.

SEC. 5. Said board shall make and publish in the month of September of each year in one of the newspapers of the county of Cheboygan and circulating in said township, a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, and sources of income, the amount of salaries and to whom paid, and the amount of indebtedness outstanding and to whom payable, all of which

shall be recorded with the proceedings of the board. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property and improvement of the district. Board to make regulations.

SEC. 6. Said Union school district, its officers and employes, shall in all respects, except as otherwise provided in this act, be subject to and governed by the general laws of the State relating to graded school districts. Laws to govern.

SEC. 7. All the school buildings, property or effects situated within said township, and all moneys, property and effects belonging to any and all school districts within said township when this act shall take effect shall thereupon be vested in and be the property of the district hereby designated as the Union school district of the township of Burt, and shall forthwith be delivered, paid and turned over to the Union school district of the township of Burt and to its proper officers; also the just share and portion of the property, money and effects of all school districts, a portion only of which shall be within said township, shall be delivered, paid and turned over to said Union school district and to its proper officers, and all debts and liabilities of any school district within the territory incorporated as a school district by this act, and the just share and portion of any district, a part only of which shall be included within such newly created district shall be the debt of and paid by the new district; and any suit pending against any such former school district shall be continued to judgment. Any tax levied and uncollected in any such former district, shall be collected and enforced in the same manner as if such new incorporation had not taken place. Property, moneys, etc., how vested.

Effects of school districts, how turned over.

Debts and liabilities of school districts paid by new district.

Uncollected tax, how collected.

SEC. 8. The school boards of the several school districts existing in the township of Burt at the time of the passage of this act shall maintain their several schools and manage the same as though this act did not exist, until the election and qualification of a majority of the board of education herein provided for, when such board of education shall immediately take charge of the schools in said township and undertake and carry out the contracts then in force with reference to teaching, supplying and caring for the schools of said township: *Provided however*, That no primary school district board of said township now existing shall make any contract involving the expenditure of to exceed ten dollars without the consent of the supervisor of said township of Burt. School boards to manage schools.

Board of education to manage.

Proviso.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 396.]

AN ACT to authorize and empower the County of Gogebic to Purchase and Maintain a System of Abstracts of Title of all Lands in said County; to make and sell Abstracts of Title and furnish Information concerning the Condition of Titles and charge such fees therefor as the Board of Supervisors of said County shall from time to time determine; to employ some Person to Keep and Maintain such System of Abstracts, and to do all things necessary for the carrying on of a general Abstract business of Titles to Lands in Gogebic County.

The People of the State of Michigan enact:

Authority to purchase system of abstracts.

SECTION 1. That the county of Gogebic in the State of Michigan be and it is hereby authorized to purchase and maintain a system of abstracts of title to all lands in said county; to make and sell abstracts of title and furnish information concerning the conditions of title to such lands and to charge such fees therefore as the board of supervisors of said county shall from time to time determine, and to do all things necessary for the carrying on of a general abstract business of titles to lands in said county. The action of the board of supervisors of said county in negotiating for the purchase of the abstracts of title in and of said county is hereby made regular and legal.

Supervisor to employ abstractor.

SEC. 2. It shall be the duty of said board of supervisors to keep employed some suitable person who shall be known as the abstractor of said county and who shall hold his office during the pleasure of said board and whose duties shall be as follows, viz:

Duties of abstractor.

(a) It will be his duty to keep and maintain said system of abstracts up to date at all times in every particular, promptly entering up in said system of abstracts all transfers or other matters affecting in any manner the title to any lands in said county.

Idem.

(b) To promptly make and deliver from time to time all abstracts of title to any lands in said county which may at any time be ordered and to collect such fees therefor as the board of supervisors may from time to time determine.

Idem.

(c) To promptly furnish information concerning the condition of title to any such lands to any person inquiring therefor and to collect therefor such fee as the board of supervisors shall from time to time determine.

Idem.

(d) To turn over to the county treasurer of said county at the end of each month all moneys collected by him during such month together with a detailed statement thereof, which statement shall remain on file in the office of said treasurer and be subject to inspection by the board of supervisors.

Abstractor to give bond.

SEC. 3. Said abstractor shall give a bond to said county conditioned upon the faithful discharge of the duties of his office in all things without fraud or deceit and the proper

turning over of all moneys collected by him in the running of said abstract business, and said bond shall be in such amount and with such sureties as the board of supervisors shall from time to time determine and shall be approved by the chairman and clerk of said board.

SEC. 4. Said system of abstracts and all books and papers connected therewith shall at all times be kept in the building in which the circuit court of said county is held in the city of Bessemer.

Books, etc.,
where to be
kept

SEC. 5. All books, papers and other files necessary for keeping up said system of abstracts and the carrying on of said abstract business, shall be purchased under the supervision and direction of the board of supervisors of said county.

Supervisors to
purchase books,
etc.

SEC. 6. Said abstractor shall be paid such fees or salary for services rendered by him in keeping up said system of abstracts and for the performance of all duties connected with said office of abstractor of said county as the board of supervisors shall from time to time determine.

Compensation
of abstractor.

SEC. 7. Said county of Gogebic or said abstractor shall not in any manner guarantee the correctness of any abstracts of title furnished by said abstractor in behalf of said county or for any information furnished concerning the condition of title to any lands in said county, and said county shall not be held liable for damages caused by any error in any abstract of title furnished by said abstractor or furnished by said county in any manner, or for any error in information furnished concerning the condition of title to any lands in said county.

Correctness of
abstracts not
guaranteed.

SEC. 8. All papers belonging to and constituting said system of abstracts shall not be subject to a general inspection except to county officers in the discharge of their official duties, and any person desiring information therefrom shall procure the same from the said abstractor upon payment of the proper fee therefor to said abstractor, and any person upon payment of the proper fee shall be entitled to an abstract of title to and lands in said county or to any information concerning the condition of the title to any lands in said county which shall be shown by said system of abstracts.

Papers not sub-
ject to general
inspection.

SEC. 9. All cost and expense of purchasing and keeping up said system of abstracts of title shall be borne from the general fund of said county and all moneys collected in carrying on said abstract business shall be placed in said general fund.

Cost and ex-
pense, how
borne.

SEC. 10. Said abstractor shall in no instance deliver an abstract of title of any lands or furnish any information as provided for in this act without having first collected the proper fee therefor.

To collect fee.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 397.]

AN ACT to Authorize and Empower the City of Manistee to Purchase the Water-Works of the Manistee Water Company.

The People of the State of Michigan enact:

Authority to purchase water-works.	SECTION 1. That the city of Manistee be empowered and the authority is hereby conferred upon said city to purchase the water-works of the Manistee Water Company as hereinafter provided.
Who to determine price.	SEC. 2. The price to be paid the Manistee Water Company for its water-works shall be determined by three arbitrators, one to be selected by the common council of the city of Manistee and one to be selected by the Manistee Water Company and such arbitrators so selected shall choose a third party as umpire, and the finding of any two of said arbitrators upon any basis of arbitration that shall have been mutually agreed to in writing between the parties hereto shall be binding upon said city of Manistee and said Manistee Water Company.
Arbitrators. how chosen.	
Bond issue. limit of.	SEC. 3. For the payment of such award and the further necessary improvements the common council of the city of Manistee is hereby authorized and empowered to issue the bonds of said city of Manistee equal to the amount of said award, and such improvements and additions as may be necessary to said water-works, and not to exceed two hundred thousand dollars, running a term of years not to exceed twenty years, drawing interest annually at the rate of four per cent per annum: <i>Provided</i> , Said bonds shall not be negotiated at less than their par value.
Proviso.	
Act. how construed.	SEC. 4. This act shall not be construed as repealing or in any manner affecting the general laws of this State relating to the acquisition, use and control of water-works by cities and villages in this State.
	This act is ordered to take immediate effect.
	Approved May 10, 1899.

[No. 398.]

AN ACT to amend section nineteen of act number two hundred forty-nine of the local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred seventy-one, as amended, and to add a new section, to stand as section ninety-six.

The People of the State of Michigan enact:

SECTION 1. That section nineteen of act number two hundred forty-nine of the local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred seventy-one, be amended, and to add a new section, to stand as section ninety-six. Section amended.

SEC. 19. The common council shall have power to cause the expense of making, grading, paving and opening the streets, lanes and alleys; of building, repairing, grading, paving or planking sidewalks, or making drains, sewers or other local improvements, to be assessed against and paid by the owner of the lot or premises which are in front or adjoining such improvements or by special tax. The common council shall also have the power to make by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may, by such by-laws and ordinances, provide that the real estate assessed for any such improvement may be sold to pay such assessment, or that the city of Alpena may sue for and collect in any court of competent jurisdiction the amount of such assessment, from the owner of any lot or premises assessed therefor; and may, also, provide that such assessment for paving any street, lane or alley may be paid in not exceeding three installments, with interest at six per cent per annum, to be paid within such time as the council may fix, not exceeding two years from the time of making the assessment. The common council shall not have power to cause either the cost of repairing or the building of any sidewalk to be paid out of any general street fund or any sewer fund of said city. Owners to be taxed for grading streets, etc.

Powers of common council as to levy of tax, etc.

SEC. 96. And said common council shall also have power to provide by resolution or by ordinance that whenever any lot, lots or premises having been or hereafter shall be liable to be assessed for the costs and expenses of any paving, repairing, repaving or any other purpose, work or improvement in any street, lane or alley; and if it should appear that the amount originally assessed upon such lots or premises was not sufficient to pay in full the cost and expense of such paving, repaving or other improvement, that new assessment or re-assessment for the amount of such deficiency may be made upon such lots or premises; and also if any such special assessment heretofore or hereafter made for the cost and expense of making of any such improvement shall be declared by any court of competent jurisdiction to be illegal or void, to provide for a new or re-assessment upon such lot, lots or premises for the amount of such cost and expense including the cost and expense of such former assessment; and the common council may, by resolution or by ordinance, limit the time within which such new or re-assessment shall be made, and prescribe all necessary rules and regulations in reference to the making New or reassessed tax. how to be.

Special assess-
ment, when set
aside.

When council
may cause new
assessment.

New assess-
ment, how
made.

Application of
charter.

and collecting of the same. And whenever any special assessment for the paving, repaving, repairing or improvement of a street or streets, or for any purpose or work shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside. When any such special assessment heretofore or hereafter made shall be vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment or assessments to be made, for the purpose for which the original assessment was made. Such new assessment or assessments shall be made in the manner provided by the charter for making original assessments of like nature, in force at the time when such re-assessment or new assessment shall be made; and the council shall have power to repeal any ordinance or ordinances in force at the time said original assessment for paving, repairing or repaving of streets, lanes or alleys in said city was made, and after said council shall have repealed any existing ordinance or ordinances of like nature, to enact and pass a new ordinance or ordinances prescribing the mode of assessing for said purpose under which such re-assessment for the paving, repairing or repaving of streets, lanes and alleys may be made. And whenever the taxes, or any part thereof, assessed upon any lot, lots or parcels of real estate by the original assessment be set aside, or decreed to be invalid as aforesaid, have been paid and shall not have been refunded, it shall be the duty of the city treasurer to apply such payment upon the re-assessment of said lot, lots or parcels of real estate and make a minute thereof upon the new assessment roll; and such assessment shall, as regards such payment, be deemed paid and satisfied. All the provisions of the charter, making special improvements a lien upon the lot, lots or parcels of real estate embraced therein, and also those relating to the collection of the special assessment and ordinance or ordinances now existing or hereinafter passed by said common council, shall apply to re-assessments made under this section. The provisions of this section shall apply to all special assessments heretofore made, as well as those which shall hereafter be made.

This act is ordered to take immediate effect.

Approved May 10, 1899.

[No. 399.]

AN ACT to determine the method of electing the trustees of the Wesleyan Guild Corporation at the University of Michigan, a corporation organized in accordance with the provisions of act number three hundred ten of the laws of Michigan for the year eighteen hundred eighty-seven, entitled "An act to provide for corporations to diffuse moral and religious knowledge and instruction, and to receive and apply such loans and advance, and accept and execute such trusts as shall be made for such purposes, and to enable individuals and also associations existing under act number one hundred ninety-two of the session laws of eighteen hundred sixty-seven, entitled 'An act to provide for the incorporations of associations, conventions, conferences or religious bodies, for literary, religious or other benevolent purposes,' approved March twenty-seventh, eighteen hundred sixty-seven, being chapter one hundred seventy-eight of Howell's Annotated Statutes, as amended to affect incorporations (incorporation) for such purposes," approved June twenty-eighth, eighteen hundred eighty-seven, the same being chapter one hundred seventy-eight A of volume three of Howell's Annotated Statutes of the State of Michigan.

The People of the State of Michigan enact:

SECTION 1. The trustees of the Wesleyan Guild Corporation at the University of Michigan, a corporation organized in accordance with the provisions of act number three hundred ten of the laws of Michigan for the year eighteen hundred eighty-seven, shall be elected as follows: At the next annual meeting of the Wesleyan Guild Chapter of the Epworth League, there shall be elected the number of trustees provided for in the articles of association, by the legal voters thereof, and in accordance with the usages of said body, as follows: one-third of the whole number of trustees shall be elected for a period of one year; one-third for a period of two years; and one-third for a period of three years. Thereafter, one-third of the whole number of trustees shall be elected at each annual meeting of such religious body, by the legal voters thereof, for a period of three years.

Election of
trustees.

Term of office.

Approved May 11, 1899.

[No. 400.]

AN ACT to provide for the Payment of a Salary to certain Township Officers in the Township of Springwells, in the County of Wayne, and to fix the Amount thereof.

The People of the State of Michigan enact:

Officers of
Springwells to
receive salary.

SECTION 1. That the supervisor, township clerk, highway commissioner and the two justices of the peace, serving by law as members of the township board in the township of Springwells, in the county of Wayne, shall receive as an annual salary the amount herein prescribed for each official respectively.

Amount.

SEC. 2. The supervisor shall receive as an annual salary the sum of twelve hundred dollars. The township clerk shall receive as an annual salary the sum of six hundred dollars. The highway commissioner shall receive as an annual salary the sum of six hundred dollars. The two justices of the peace for serving as members of the township board, shall receive as an annual salary the sum of one hundred and fifty dollars each for said services.

Not to be
increased or
diminished.

SEC. 3. The salary of any supervisor, township clerk, highway commissioner, or justice of the peace, shall not be increased or diminished during the term of his office and the taking of fees or receiving of any compensation other than as herein prescribed, is hereby prohibited, and said salaries shall be paid on orders of the township board out of the general fund of the township.

Taking of fees
prohibited.

Repealing
clause.

SEC. 4. All acts or parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 12, 1899.

[No. 401.]

AN ACT to amend section thirty-one of Title four of act number three hundred seventy-four of the Local Acts of the State of Michigan for the year eighteen hundred ninety seven, entitled "An act to Revise the Charter of the City of Grand Rapids," approved March twenty-five, eighteen hundred ninety-seven.

The People of the State of Michigan enact:

SECTION 1. Section thirty-one of title four of act number three hundred seventy-four of the local acts of the State of Michigan for the year eighteen hundred ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," approved March twenty-five, eighteen hundred ninety-seven, is hereby amended so as to read as follows: Section amended.

SEC. 31. The common council shall annually determine the salary or compensation to be paid to the several officers of the said city within the limitations hereinafter prescribed, which limitations shall be as follows, to wit: To the city clerk, two thousand five hundred dollars per annum; to the deputy city clerk, one thousand two hundred dollars per annum; to the city treasurer, two thousand five hundred dollars per annum; to the city marshal, one thousand three hundred dollars per annum; to the mayor, one thousand two hundred dollars per annum; to the city comptroller, two thousand dollars per annum; to each of the aldermen, three hundred and fifty dollars per annum; to the city attorney, two thousand five hundred dollars per annum; and to the city physician, one thousand two hundred dollars per annum; said salaries to be fixed by the affirmative vote of at least two-thirds of all the aldermen elect of said city; and the common council may establish and prescribe the fees or salaries to be paid to all other officers of said city whose fees or salaries are not prescribed by law for services performed for said city, in all cases where such fees or salaries are to be paid by said city. Common council to determine salary, etc., of officers.
Salaries and fees.

This act is ordered to take immediate effect.

Approved May 12, 1899.

[No. 402.]

AN ACT to annex Fractional School District Number One of the Township of Spaulding, in the County of Saginaw, to the Eastern Taxing District of the City of Saginaw for School purposes.

The People of the State of Michigan enact:

Certain territory attached to eastern taxing district of Saginaw.

SECTION 1. That school district number one fractional, of the township of Spaulding, county of Saginaw, the same being all of sections one and twelve, and such portions of sections two, ten, eleven, and thirteen, as are located on the east and north side of the Saginaw, Shiawassee and Cass rivers, in said township, be and the same is hereby attached to the eastern taxing district of the city of Saginaw for school purposes.

How territory to exist.
How funds may be used.

SEC. 2. The territory above described shall continue to exist as a separate school district, but in lieu of the erecting of a separate school building, and the maintaining of a school, the officers of said district are hereby authorized and empowered to use the funds of said district to pay the tuition of the pupils residing in such district to the school board of the said eastern taxing district of the city of Saginaw, for the privilege of sending said pupils to any of the schools of said city, to which the territory is hereby attached.

Amount to be paid eastern district of Saginaw.

SEC. 3. The school board of the said fractional school district above described are hereby authorized and directed to pay the board of education of the said eastern taxing district of the city of Saginaw an amount not to exceed one hundred and fifty dollars, which amount shall be paid on or before the first day of February, in each school year; the payment of which shall entitle all pupils of school age, residing in said territory, to all the privileges of school in said eastern taxing district of the city of Saginaw, the same as resident pupils of the city.

When deemed to have met with requirements of act.

SEC. 4. In compliance with the foregoing provisions the said fractional school district shall be deemed to have met all the requirements of the general school law relating to the assessing and collecting of the one-mill tax, and the apportionment of the primary school fund.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 403.]

AN ACT to confer Power and Authority upon the Common Council of the Village of Three Oaks, in the County of Berrien, to extend the Electric Light and Water-Works Plants of said Village beyond its corporate limits, so as to furnish Electric Lights and Water to the Township of Three Oaks and the Inhabitants thereof outside of the corporate limits of the Village of Three Oaks, and to purchase and acquire property and to erect all proper and necessary Structures in connection therewith. Also to have the Power and Authority to fix Just and Equitable Rates for supplying said Township and the Inhabitants thereof with Lights and Water.

The People of the State of Michigan enact:

SECTION 1. That the common council of the village of Three Oaks, in the county of Berrien, shall have and is hereby given authority to extend the electric light and water-works plants of said village beyond its corporate limits so as to furnish the township of Three Oaks and the inhabitants thereof with electric lights and water, and to purchase and acquire by the right of eminent domain grounds, privileges, rights, property and materials, and to erect all proper and necessary structures in connection therewith, outside as well as within the corporate limits of the village of Three Oaks, and to hold and maintain the same for the purpose of supplying said township and the inhabitants thereof with electric lights and water, with all the rights, remedies and privileges conferred and subject to the conditions and regulations imposed upon villages and cities in this behalf by the general laws of this State made and provided. Said common council shall also have the power and authority to fix such just and equitable rates as may be deemed advisable for supplying said township of Three Oaks and the inhabitants thereof with electric lights and water.

May extend
certain plants
beyond village
limits.

Power to fix
rates.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 404.]

AN ACT to amend sections two hundred seventy-four and two hundred eighty of an act entitled "An act to amend and revise the charter of the city of Adrian," as approved March tenth, eighteen hundred ninety-seven.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That sections two hundred seventy-four and two hundred eighty of the charter of the city of Adrian, being an act entitled "An act to amend and revise the charter of the city of Adrian," as approved March tenth, eighteen hundred ninety-seven, be and the same are hereby amended to read as follows:

Annual appro-
priations, how
used.

SEC. 274. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority of the electors voting upon the proposition at the next annual city election, or at a special election called for that purpose by the council. But this section shall not prohibit the council from making any necessary repairs or expenditure at a cost not exceeding ten thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation of the year, and from loaning money therefor.

May make nec-
essary repairs.

Additional
amounts, how
raised.

SEC. 280. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this act, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual city election, or at a special election called for that purpose by the council. The amount that may be voted or raised in any year under the provisions of this section shall not exceed two per cent of the assessed valuation of the property in the city, as shown by the last preceding tax rolls made therein.

Majority vote
to determine.

Limit as to
amount.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 405.]

AN ACT to require owners of land in Saginaw county to clean out the Creeks, Streams and Rivers running through or adjoining their lands.

The People of the State of Michigan enact:

SECTION 1. That it shall be the duty of persons owning lands in the county of Saginaw through which run any creeks, streams or rivers, or whose lands abut upon any creeks, streams or rivers, to clean such creeks, streams or rivers from all brush, logs, timber or other debris, which would have a tendency to impede the free flow of water in such creeks, streams or rivers.

Relative to
clearing out
water courses.

SEC. 2. It shall be the duty of the commissioner of highways in each township of said Saginaw county to view carefully each creek, stream or river within the bounds of his township, and to notify the owners of land through which such waters may run, of the duty imposed by this act; such viewing to be made during the month of June, and such notices to be given in writing not later than the thirtieth day of June in each year.

Duty of high-
way commis-
sioners.

Notice to land
owners.

SEC. 3. It shall be the duty of the owners of lands, receiving notice as provided for in section two of this act, to give all due diligence to the cleaning of the creeks, streams or rivers running through or abutting their lands of all debris of any kind, which will impede the free flow of water therein, and to have the same completed not later than the thirty-first day of August in each year. In case of failure of any owner of lands as herein described, to clean out the water course, across or abutting his property by the thirty-first day of August in each year, it shall be the duty of the highway commissioner to have the same done at the earliest practicable date, by employing men to work thereat under his own personal supervision, and an account of the expenses thereof shall be rendered in detail of items for each and every owner of land who may have so neglected his duty under this act, to the supervisor of the township, who shall charge up the same against the lands in question on the tax roll for that year, as a special tax, to be known as the "debris cleaning tax," and which tax shall be and remain a lien against the property so assessed the same as other taxes, until paid.

Duty of owners
of land.

Duty of high-
way commis-
sioner when law
is disregarded.

Expenses, how
assessed, how
designated.

Tax a lien on
property.

SEC. 4. In the case of lands abutting on a stream, which forms a boundary line to such lands, it shall be the duty of the owner to clean such stream only to the middle of its channel, and the portions of any streams which cross any highway in any township, shall be cleaned out by the commissioner of highways in the same manner as is provided in section three for the cleaning out of streams in case the same is not done by the owners of the lands through which a stream may run or against which the land may abut, and the expense thereof

Duty of owners
when water
course forms
boundary line.

When stream
crosses high-
way, duty of
highway com-
missioner.

Duty of supervisors.	shall be included by the supervisor in the sums to make up the contingent fund of the township and shall be levied against the property of the township, both real and personal, as other township taxes are levied and collected.
When owner a non-resident, how proceed.	SEC. 5. In case any lands in any township in Saginaw county are held by a non-resident owner, upon whom the commissioner of highways is unable to serve personal notice, it shall be the duty of the commissioner of highways to publish the notice, together with his official affidavit that he was unable to make personal service of the notice, in some newspaper printed in the county of Saginaw, and largely circulated in the county, for four consecutive weeks, i. e. during the month of July, which notice so published shall be a valid notice to the owners of lands so notified of their duty and obligations under this act, a publication of which duly certified, shall be filed by the commissioner of highways with the supervisor, together with the costs of such publication, which amount of costs shall be added to the taxes to be assessed against the property in question, and shall be levied and collected as other taxes. The payment for advertising such notices shall be audited by the township board, and paid from the funds of the township, which shall be reimbursed when the same shall be collected from the owners of the lands.
How notice considered.	
Expense of advertising, etc., how provided for, how paid.	
Compensation of highway commissioners.	SEC. 6. The commissioner of highways shall be entitled to one dollar and fifty cents per day for his services in viewing the streams in his township, and in making and serving the notices on the owners of the lands liable for the cleaning of the water courses through or along their property as well as for the superintending the work, in case of failure on the part of the owners of lands to clean such streams as provided in this act, but he shall be required to make a sworn statement to the township board, that he has used due diligence and the least time possible in the performance of such duties. The per diem expenses incurred by the commissioner of highways under this act, in the viewing and serving of notices, shall be charged to the person or persons on whose lands obstructions are found: <i>Provided</i> , That where there are no obstructions found the expense will be taken from the contingent fund of the township.
Per diem expenses, how charged.	
Proviso.	This act is ordered to take immediate effect. Approved May 17, 1899.

[No. 406.]

AN ACT to authorize the Common Council of Bay City to Borrow Money with which to pay certain Water-Works Bonds heretofore issued.

The People of the State of Michigan enact:

SECTION 1. That the common council of the city of Bay City shall have power and authority during the years nineteen hundred and nineteen hundred one to borrow by loan such sum or sums, not exceeding forty thousand dollars, as said council shall deem necessary for the purpose of paying certain water-works bonds heretofore issued by said city of Bay City, and which mature and become due during the years nineteen hundred and nineteen hundred one.

Authority to borrow money.

SEC. 2. Said loan or loans shall be secured by bonds of the city payable at such times, not less than ten years after the date of their issue, and shall bear such rate of interest, not exceeding five per cent per annum, as said common council shall determine. The said bonds shall be endorsed, "Bay City Water-Works Bonds," and numbered consecutively; and no sale thereof shall be negotiated at less than face value or par. The proceeds derived from the sale of said bonds shall be paid to the city treasurer, and by him placed to the credit of a fund to be known as the water-works bond fund; and such proceeds shall be paid out on warrants drawn and executed in all respects as provided in section one hundred ninety-three of the charter of said city. No appropriation or payment out of said fund shall be ordered by the common council or made except for the purposes herein specified.

Bonds, when payable, rate of interest.

How endorsed.

Money, where deposited, how paid out.

Not available for other purposes.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 407.]

AN ACT to amend section thirty-eight of act number three hundred sixty of the Local Acts of eighteen hundred seventy-one, being an act, entitled "An act to Create a Fire Commission in the City of Detroit," approved March eighteenth, eighteen hundred seventy-one, as amended by act number three hundred sixty-four of the Local Acts of eighteen hundred seventy-seven, approved May twenty-third, eighteen hundred seventy-seven, as further amended by act number four hundred twenty-seven of the Local Acts of eighteen hundred ninety-seven, approved May seventh, eighteen hundred ninety-seven.

*The People of the State of Michigan enact:*Section
amended.

SECTION 1. That section thirty-eight of act number three hundred sixty of the local acts of eighteen hundred seventy-one, being an act, entitled "An act to Create a Fire Commission in the City of Detroit," approved March eighteenth, eighteen hundred seventy-one, as amended by act number three hundred sixty-four of the local acts of eighteen hundred seventy-seven, approved May twenty-third, eighteen hundred seventy-seven, as further amended by act number four hundred twenty-seven of the local acts of eighteen hundred ninety-seven, approved May seventh, eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Leave of ab-
sence, how
granted.

SEC. 38. The leave of absence of all officers of said department above the rank of captain shall be, for each, one day of twenty-four hours off duty in every five days, and a furlough of fourteen days once per year. The leave of absence of all officers and men in said department below the rank of chiefs of battalion shall be, for each, one day of twenty-four hours off duty in every five days, and a furlough of ten days once per year.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 408.]

AN ACT to transfer to the City of Detroit the title to all the property of every name and nature now owned, operated and controlled by the board of Water Commissioners of the City of Detroit, under the powers, rights and privileges granted said board of Water Commissioners by an act entitled "An act to amend the laws relative to supplying the City of Detroit with pure and wholesome water," approved February fourteen, eighteen hundred fifty-three, and the acts amendatory thereto, and to give to said City of Detroit the possession, control and operation and management of said property, and to repeal all acts and parts of acts in conflict herewith.

*The People of the State of Michigan enact:*Rights, proper-
ty, etc., how
vested.

SECTION 1. That on the first day of July, eighteen hundred ninety-nine, all the authority, rights and powers heretofore exercised and had by the board of water commissioners of the city of Detroit shall no longer be exercised and had by them from and after said date, but shall be continued to, and vested in said city of Detroit for the purpose of supplying said city and the inhabitants thereof with pure and wholesome water. All

lands, lots, docks, buildings, machinery, pipes, logs, hydrants, mains, settling-basins, intake pipes and appliances, and all other property, fixtures and appliances whatsoever, purchased, designated or used for the present water-works, owned by, or standing in the name of the board of water commissioners of the city of Detroit, are hereby conveyed to, and vested in the city of Detroit, which shall hereafter have full power to regulate, protect, control and operate the same; and for this purpose shall have power to procure, purchase or construct the necessary buildings, engines and other machinery and appliances and fixtures to maintain, operate, extend and improve the system of water-works herein conveyed. The operation, extension and improvement of said system as above provided, and all work incident thereto, and all work of laying the necessary pipes, mains or aqueducts for the purpose of distributing water in the city, shall be under the direction and supervision of the board of public works of said city. No lands, engines, pipes nor new machinery shall be purchased or contracted for, nor buildings erected, except by the direction of the common council, on the recommendation of the board of public works in the same manner as is now provided by law for the confirmation by the common council of contracts of the board of public works.

SEC. 2. The city shall have power to lay pipes in the highways, alleys and public places in said city, and whenever, it shall become necessary to lay pipes, mains or aqueducts in or through any private property, and acquire therefor either the title to land or easement therein condemnation proceedings for such purpose may be instituted and conducted in the Recorder's court of said city in like manner as like proceedings for the condemnation of lands for highways may by law be instituted and conducted: *Provided*, That no such proceedings shall be instituted by the common council without the recommendation of the board of public works and a report in writing from the city engineer. The right to lay pipes, mains or aqueducts in or through private property may be acquired by agreement with the owners thereof. No such agreements, entered into by the board of public works, shall have any binding force nor be legal, unless approved by a two-thirds vote of the common council.

City to have power to lay pipes in highways, alleys, etc.

Proviso.

Relative to agreement for use of private property. Approval of council necessary.

SEC. 3. The common council shall have power, upon the recommendation of the board of public works, to direct the purchase of any land necessary for the maintenance and operation of said water-works and to direct the erection of buildings thereon; also, upon like recommendation, to direct the purchase of new engines or machinery whenever the same may be needed. But no such expense shall be incurred until the money for such purpose has been raised, appropriated or is on hand for such purpose. It shall also have power to adopt ordinances to carry out the purposes and provisions of this act, and to regulate the distribution, use and consumption of

Power of council relative to lands, buildings, etc.

Expense, how provided for.

Council to adopt ordinances to carry out provisions of act.

water, and to protect and preserve the property and appliances of and connected with the water-works system.

Lawful indebtedness of water commissioners assumed by city.

Certain moneys to constitute water works sinking fund.

Whom to have custody of fund.

City to carry out present lawful contracts.

What claims constituted lawful.

Pending suits, how prosecuted, what excepted.

Power to re-issue bonds, when shall have.

Record of issued or cancelled bonds to be kept.
Duty of council to make certain tax assessment.

Where tax to be credited.

How used.

Council may erect drinking hydrants.

SEC. 4. All the outstanding bonded indebtedness and all other lawful indebtedness of the board of water commissioners of the city of Detroit shall be assumed and paid by the city of Detroit, as the same shall fall due, and all the moneys now set apart as a sinking or other fund for the payment of such bonds are hereby constituted a water-works sinking fund, which shall be applied to the payment of such bonds, and shall not be used for any other purpose. All moneys now set apart by said board of water commissioners to pay its contract or other legal indebtedness shall be kept and used for such purpose and no other. The commissioners of the sinking fund of said city shall have the custody of and shall have the same powers and authority with respect to said sinking fund as the said commissioners have by law in respect to the sinking fund of said city. All lawful contract obligations now entered into by said board of water commissioners shall be fully kept, performed and carried out by the city of Detroit, and the common council shall have power to make such provisions therefor as may be necessary. All lawful claims by or against the board of water commissioners of the city of Detroit which shall exist on July first, eighteen hundred ninety-nine, except matters in controversy between said board and the city of Detroit, are hereby constituted lawful claims by or against the city of Detroit. All suits by or against said board of water commissioners which are pending July first, eighteen hundred ninety-nine, may be prosecuted to final judgment by or against the city of Detroit, except where the matter in controversy is between said board of water commissioners and said city. If at any time there shall not be sufficient funds on hand to meet any of the bonds at the time when they shall fall due, the common council shall have the right to direct the issue of new bonds to an amount necessary to take up and cancel those falling due, but for no greater amount. A proper record shall be kept of all bonds issued or cancelled. It shall be the duty of the common council to cause to be levied and assessed annually upon the taxable property of the city, the sum of seventy-five thousand dollars, the same to be included in each annual tax assessment levied in said city, and the same shall not be required to be submitted to the board of estimates or to the vote of the freemen of the city. When such tax is collected it shall be credited to the water-works sinking fund, which is hereby required to be established. Said seventy-five thousand dollars shall be used: First, To pay the interest on the outstanding bonded indebtedness, and Second, the surplus, if any, shall be applied to the payment of outstanding bonds as the same shall fall due, and for that purpose shall remain in the sinking fund until used.

SEC. 5. The common council, upon recommendation of the board of public works, may order drinking hydrants to be erected for public use in said city and keep the same in repair;

and, upon the recommendation of the commissioners of parks and boulevards, may cause fountains to be erected in such public grounds and public parks of the city as is deemed expedient.

Fountains in public parks.

SEC. 6. The said board of public works shall have a separate department, to be known as the water department of the board of public works. It shall have power to employ a superintendent, clerks and such other persons as may be necessary to perform the work and duties provided for by this act, and to specify their duties. The common council may fix their compensation. The term of office of such superintendent of the water department shall be three years. He may be removed for cause shown by the common council by a two-thirds vote of all its members. The grounds of such removal shall be stated in writing and he shall be given an opportunity to be heard in defense. Said board of public works shall divide and classify the work of the water department, so far as the same may be done, and shall keep a true and accurate account of the cost of each branch, showing the amounts expended for original improvements or construction, and the amounts for repairs and other expenditures. All such accounts shall be kept separate and distinct and in different books from all other accounts kept by said board. It shall send to the common council each week a classified statement of the work done in the several branches of the water department, which statement shall be referred to the city comptroller with the weekly pay roll. It shall keep a separate account of the cost of laying distributing pipes, aqueducts and mains hereafter laid so that the cost thereof in each block may be ascertained at any time and so that, whenever a pipe or main larger than six inches in diameter is laid, the cost of laying the six-inch pipe in each block, had it been laid, may also be ascertained. The just proportion of the cost of laying said six-inch pipes shall be assessed to each lot benefited. Such just proportion shall be ascertained by finding the ratio which the narrowest frontage of said lot bears to the entire frontage on both sides of the street or alley in the block where said lot is located. The amount of such just proportion due from each lot when ascertained shall be assessed as a special assessment upon such lot. The common council shall provide by ordinance for the collection for all such special assessments. Lots already supplied with water shall not be subject to special assessment for water pipes hereafter laid. No lot shall be supplied with water from any pipe, main or aqueduct hereafter laid without there is first paid to the city treasurer the just proportion of the cost of laying a six-inch pipe in the street or alley on which said lot abuts, with interest thereon from the time said pipe is laid. Such money when paid shall be credited to the water department construction fund.

Board of public works to have separate department. Right to employ clerical and other help.

Superintendent, term of office, removal of, etc.

Board to classify work, keep account of costs, etc.

How accounts to be kept.

Weekly statement to be sent council.

Cost of laying pipes, etc., how accounts to be kept.

Apportionment of costs.

Special assessments, how collection of provided for.

Water from pipes subsequently laid, cost of securing.

Water, pipes,
etc., distributed
outside of city,
when may.

Proviso.

Revenues of
water depart-
ment, how
divided into
funds.

Annual esti-
mates, when
submitted.

How treated by
city council.

How assessed
and collected.

Other esti-
mates, when
submitted.

Estimates for
domestic uses.

SEC. 7. No water shall be distributed outside of the city nor pipes, mains or aqueducts for such purpose be laid, without the consent of two-thirds of the common council, and upon such terms and conditions as may be prescribed by ordinance: *Provided*, That the present distribution of water outside of the city shall not be discontinued unless by virtue of the terms of the agreement under which it is distributed, or upon the recommendation of the board of public works and by a vote of two-thirds of all the members of the common council.

SEC. 8. The revenues and moneys of the water department of the board of public works shall be divided into the following funds, which are hereby required to be established, and shall be used for no other purpose: First, The construction fund, into which shall be paid all moneys received for the purpose of constructions and extensions, and out of which shall be paid the cost and expense of all construction and extensions; Second, The maintenance fund, into which all other receipts shall be paid except such as may be received for the payment of the bonded debt and interest thereon, and out of which shall be paid the cost of operating and maintaining the water system; Third, The sinking fund into which shall be paid all moneys received for the payment of the bonded debt, and interest thereon and out of which shall be paid the bonded debt and interest thereon.

SEC. 9. It shall be the duty of the board of public works to transmit to the common council of the city of Detroit, on or before the fifteenth day of February in each year, an estimate of the amount of moneys which said board may deem necessary for improving and enlarging the pumping works and plant of the water-works of the city of Detroit. Also an estimate of the amount of money said board may deem necessary to pay the cost of extending water mains and pipes and for any other purpose essential to the proper maintenance and operation of the water-works and water system of said city. Such estimates, or so much thereof as the common council shall approve, shall be submitted to the approval of the board of estimates, at the meeting thereof required by law, for the approval of annual taxes voted by said common council; and so much of said estimates as shall be approved by the board of estimates shall be placed upon the general assessment rolls, and shall be assessed, levied and collected the same as other city taxes. Said money, when collected, shall be paid into the city treasury and shall be credited to the construction fund of the water department. They shall also transmit to the common council on or before the fifteenth day of February of each year an estimate of the total amount of money they deem necessary to pay the cost of maintaining and operating the water plant for the ensuing fiscal year, which shall include all necessary repairs. Such estimate or so much thereof as the common council and board of estimates shall approve, shall be levied and collected as hereafter provided. The board for fixing water rates as provided for in section ten of this act shall

prepare and transmit to the common council on or before the first day of May in each year an estimate of the amount of money they deem a just proportion of the total estimate for maintenance as a reasonable charge for the expense of furnishing water for domestic purposes to the inhabitants of the city of Detroit, such domestic purposes to include such use of water in and about places of residence as are usual for household purposes; and for water used for water closets and wash room facilities in all buildings used wholly or in part for other than residence or household purposes, to the city of Detroit including its agencies and municipal boards, the Detroit House of Correction, the public schools and such charities as the common council shall have determined to exempt from the payment of water rates, which estimate shall be in detail, specifying the objects of such expenditure, the sums desired for each and the reasons therefor. It shall be the duty of the common council to cause to be levied and assessed upon the taxable property of the city, the sum so stipulated as contemplated in the preceding paragraph and the same shall not be submitted to the board of estimates or to a vote of the freemen of the city. When such tax is collected it shall be paid into the city treasury and credited to the water department maintenance fund. The balance of the total estimate for operating expense shall be assessed as water rate to be paid by the owner or occupant of each house or other building having or using water, and against any persons using water, except for domestic purposes in the city of Detroit, upon such basis as they shall deem equitable; and such water rate shall become a continuing lien until paid, upon such house or other building, and upon the lot or lots upon which the house or other building is situated, and all such water rates when collected, shall be paid into the city treasury and credited to the water department maintenance fund. Any surplus of moneys remaining in the maintenance fund at the end of any fiscal year shall be applied to and credited to the maintenance fund of the ensuing fiscal year, and shall be used for no other purpose. Any surplus of money remaining in the construction fund at the end of any fiscal year shall be applied to and credited to the construction fund of the ensuing fiscal year, and shall be used for no other purpose. On and after the first day of July, eighteen hundred ninety-nine, the water rates as heretofore levied and collected by the water commissioners shall continue to be levied and collected under the supervision of the board of public works until the first day of July, nineteen hundred, when said rates shall cease, and thereafter the water rates shall be assessed and collected as provided for in this act.

Domestic uses,
what include.

Public uses,
what include.

Duty of council
to levy tax.

Tax, how
credited.

Balance of total
estimate, how
assessed and
paid.

When water
rate becomes a
lien.

Surplus
moneys, how
applied.

Present rates,
when become
inoperative.

SEC. 10. The Superintendent of the water department, the mayor, the president of the board of public works, the city comptroller and the city treasurer shall constitute a board for fixing water rates, which shall, on or before the first day of May of each year, fix a schedule of the water rates to be collected for the ensuing fiscal year, which schedule shall com-

Board to fix
water rates,
whom to com-
pose.

When to estab-
lish new
schedule.

Receiver of
taxes to collect.

Controller's an-
nual report to
include finan-
cial condition
of water de-
partment.

When con-
troller to take
control of
books, papers,
property, etc.

Duty of water
commissioners,
etc.

Revenues from
house of correc-
tion, how
credited.

When may use
liquor tax.

Bonds exempt
from limitation.

Penalty for wil-
ful injury of
property be-
longing to
water-works.

ply with the requirements of the preceding section. The water rates so fixed shall be collected by the receiver of taxes in such manner and at such times as shall be provided by an ordinance by the common council.

SEC. 11. It shall be the duty of the city comptroller to include in his annual report a statement of the financial condition of the water department and of all outstanding indebtedness, and he shall at all times have access to the books and papers of the water department of the board of public works. He shall, on the first day of July, eighteen hundred ninety-nine, take possession of all books, papers, securities, moneys, records, memoranda, office furniture and fixtures belonging to or under the control of the board of water commissioners, their agents and servants, and said board of water commissioners, their agents and servants are hereby required to deliver and surrender to said city comptroller on said date all such books, papers, securities, moneys, records, memoranda, office furniture and fixtures of every name and nature belonging to them or under their control, and to yield up to said comptroller the control and direction of all the property relating to said water-works.

SEC. 12. All the revenues received from the house of correction shall be credited to the water-works sinking fund, unless the same may be needed for the purchase of land, engines or new machinery, as provided in section one of this act, in which case it shall be used for such purpose, and if said revenues shall be insufficient therefor, then such an amount as may be necessary may be taken from the moneys received from liquor taxes. All of the bonds mentioned and provided for in this act shall continue to be exempt from the charter provision limiting the bonded indebtedness of the city of Detroit.

SEC. 13. Any person who shall wilfully injure, deface, cut, destroy or break any distributing pipe, main or aqueduct belonging to or connected with the water-works of the city of Detroit, or wilfully cut, break or disturb any inlet pipe or appliance for taking water out of the Detroit river into the settling basin, or wilfully break or injure any pumping engine or any part thereof, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State prison not more than five years, or by a fine not exceeding one thousand dollars, and imprisonment in the Wayne county jail not more than one year.

This act is ordered to take immediate effect.

Approved May 24, 1899.

[No. 409.]

AN ACT to authorize and enable the Township of Grosse Pointe in Wayne County, to lay out, operate and maintain a Broad Road or Boulevard along the Bank of the Detroit River and the Shore of Lake Saint Clair in said Township, extending from the City limits of the City of Detroit to the westerly line of the Trombly avenue, so called; to regulate the use thereof, and to provide for the Cost and Expense of opening and maintaining the same.

The People of the State of Michigan enact:

SECTION 1. That the township of Grosse Pointe, in Wayne county, be and is hereby authorized and empowered to lay out, operate and maintain a broad road or boulevard along the bank of the Detroit river on the shore of Lake St. Clair, in said township, extending from the city limits of the city of Detroit to the west line of the Trombly avenue, so called.

Authorized to operate and maintain boulevard.

SEC. 2. Said broad road or boulevard shall be laid out and maintained only for the purposes and on the conditions hereinafter mentioned, and in the manner provided by law for the establishment, opening, improvement and maintenance of the highways, except as herein modified, and proceedings therefor shall be taken by the same township officers.

Boulevard, how laid out and maintained.

SEC. 3. Said broad road or boulevard shall be not less than one hundred or more than two hundred feet in width. The exact location of the road shall be fixed by the proper township officers as provided by law for the laying out of highways: *Provided, however,* That the centre of the same shall be not more than five hundred feet from the general line of said lake and river shore at ordinary high water mark.

Width of boulevard.

Proviso.

SEC. 4. Said broad road or boulevard shall be laid out and used for the ordinary purposes of like roads and boulevards, and not for any railway tracks and cars, and no railway tracks of any nature shall be laid upon or along the same, and the operation upon and along the same of steam, electric, horse or other motor cars is forever prohibited. It shall be unlawful for the township board of said township or its successors in office, or any other officer or board, to grant any license, leave or permission in any form whatever to any person or persons, or to any corporation, to lay tracks or construct, maintain, and operate any electric, steam, horse or other motor cars thereon.

Uses and purposes of boulevard.

SEC. 5. Said broad road or boulevard shall not be a toll road, and it shall be unlawful for the township board of said township, or its successors in office, or any other officer, or board, to grant any license, leave or permission in any form whatever to any person or persons, or any corporation, to maintain and operate said broad road or boulevard as a toll road.

Boulevard not a toll road.

Certain laws
suspended.

SEC. 6. The general laws relative to highways, wherever the same may conflict with the provisions of this act, are hereby suspended in their operation so far as this broad road or boulevard is concerned.

Town board to
grade, pave,
etc.

SEC. 7. The town board of said township of Grosse Pointe shall have the power to grade, pave, plank, gravel, macadamize, curb and otherwise improve and repair the said broad road or boulevard, and for defraying the expenses thereof, and of opening the same, may create a special highway district within said township, to be composed of such lands as shall be especially benefited by the opening and maintenance of said broad road or boulevard, to be determined as hereinafter specified.

Expense how
assessed.

SEC. 8. The expense of opening, maintaining, repairing and improving said broad road or boulevard shall be paid from the special fund to be known as the Shore Boulevard Fund to be raised by assessment or taxation upon the taxable real estate in said Shore Boulevard District, as herein provided. And none of the general funds of said township shall be used for the purposes of said broad road or boulevard.

When township
treasurer to
award dam-
ages.

SEC. 9. That the township treasurer on direction from the town board of said township shall, within one year after the final determination of the amount of the damages awarded to the owners of any private property taken in the opening of said broad road or boulevard, pay from said Shore Boulevard Fund or tender to such owners their damages and to each his share thereof, and after such payment or tender the proper officers of said township shall have the right to take possession of the said property for the purpose of opening and maintaining said broad road or boulevard. If the owner of any lands upon which any damages may be awarded be unknown, an order for the amount thereof shall be drawn upon the township treasurer and deposited with the township clerk, payable to the owner of the description of land upon which such damages were awarded, describing such lands by their legal subdivision in such order, which order shall be held by the township clerk to be delivered to the owner of such lands when called for or otherwise lawfully demanded.

Township board
to estimate
expense of
grading, etc.

SEC. 10. That the township board of said township shall, after the determination as provided by law of the amount of the damages to be paid to the owners of private property to be taken for said broad road or boulevard, cause an estimate of the expense of opening and grading said boulevard, including the amount of damages awarded to the owners of private property to be taken therefor, together with a map and diagram of said proposed broad road or boulevard and of the said special boulevard district proposed by said board, with the township clerk of said township, and said clerk shall thereafter give notice thereof and of the amount of said estimate, together with a description of said proposed district and of the time and place where the township board will meet and consider any objections to said proposed broad road or boule-

Notice of
amount of
estimate, etc.

ward and district by publishing said notice in one of the newspapers of the city of Detroit, and by posting copies of said notice, in at least three public places within said proposed district at least two weeks prior to said meeting, which publication shall be continued at least once a week until the time of said meeting. At the time of said meeting or at such a time as the said township board shall adjourn said meeting, not exceeding ten days, said board shall, after hearing objections made thereto, fix and determine said boulevard district, which shall not include any property not included in the district described in said notice.

Board to fix
and determine
district.

SEC. 11. The cost and expense, including the awards for private property taken therefor, of the opening and construction of said broad road or boulevard, shall be paid by special assessments upon the taxable real estate in said special boulevard district. In no case shall the whole amount to be levied by said special assessments upon any lot or premises in said special district, exceed twenty-five per cent of the value of said lot or land as valued and assessed for State and county taxation in the last preceding tax roll. The commissioner of highways shall apportion said cost and expense of opening and constructing said broad road or boulevard among and upon the various pieces of taxable real estate in said special assessment district, according and in proportion to the estimated benefits accruing thereto by the opening and constructing of said broad road or boulevard, and shall make out a special assessment roll of said assessments and file the same with the township clerk of said township of Grosse Pointe within thirty days from the date of the determination by said township board of said special boulevard district as above provided, and shall thereupon fix a time within twenty days after such filing, and a place within said special boulevard district, when and where said assessments of benefits shall be subject to correction and review by him. He shall give notice of said time and place to every person whose lands are affected by such assessments and who resides in said township, by delivering a copy of such notice to him personally or by leaving the same at his residence with some person of suitable age and discretion who shall be informed of its contents, at least ten days before the day of said meeting for review, and to all other persons whose lands are affected by such assessments by causing a copy of the same to be published in one or more of the daily papers of the city of Detroit at least once in each week for two weeks prior to said meeting. Said notice shall be addressed to the owners of lands situate in said Shore Boulevard District, describing the same, and shall contain a statement of the aggregate amount assessed and of the time and place of such meeting. At such review the said commissioner of highways shall hear the proofs and allegations of all parties in interest, and shall carefully reconsider and review the descriptions of lands assessed and the assessments for benefits, and shall equalize the same as may seem just and equitable.

Cost and ex-
pense, how
paid.

Limit of
assessments.

Commissioner
to apportion
cost and
expense.

To make special
assessment roll.

Notice of
assessment,
how delivered.

Notice, what to
contain.

Commissioner
to equalize
assessments.

Owners of lands
may appeal.

Appeal, how to
be.

Board to equal-
ize assess-
ments

Clerk to certify
assessments.

Taxes to be-
come liens on
land.

Cost and ex-
pense, how
borne.

Estimate of
expense, when
reported to
town board.

Proviso.

SEC. 12. The owner of any lands assessed by said commissioner for benefits from the opening and construction of said boulevard may appeal to the township board of said township within ten days from said day of review provided for in the preceding section. Said appeal shall be taken, bond thereon be given, notice thereof and of the hearing of the same be given, and the same shall be heard as is provided by law for appeals from the assessments made by township drain commissioners for benefits from the construction of any drain, being sections two and three of chapter five of act number two hundred fifty-four of the public acts of eighteen hundred ninety-seven. At said hearing of said appeal by said township board, said board shall have the right to review all the assessments made on lands in said special district and shall equalize the same in proportion to the benefits to accrue to the several parcels of land therein from the opening and construction of said boulevard as may seem just and equitable.

SEC. 13. Said assessments shall by said clerk be certified to the supervisor of said township, and by the supervisor spread on the next tax roll of said township as taxes on the several parcels of land in said special boulevard district. Said taxes shall become liens on said lands and personal claims against the owners of said lands and be collected and enforced in the same manner as is provided by law for assessments and taxes for benefits from the construction of drains, in sections three, four, five, six, and seven, of chapter six of act number two hundred fifty-four of the public acts of eighteen hundred ninety-seven.

SEC. 14. The cost and expense of maintaining, repairing or improving said broad road or boulevard including bridges shall be borne by taxes upon the taxable real estate of said special boulevard district. The amount estimated to be needed for such purpose shall each year be reported by the commissioner of highways to the township board in his report required by law to be made at the annual meeting thereof, and thereafter the same shall be assessed, levied and collected as a special tax from the taxable real estate in said special boulevard district, in the same manner and proportion as the general highway taxes of said township are assessed, levied and collected from said real estate: *Provided*, That after said boulevard shall be opened and constructed, not more than one thousand dollars a year shall be expended thereon by said township board in repairing or improving the same, except upon the request and petition of the owners of a majority in value of the property in said special boulevard district herein provided for, as shown by the last assessment roll of said township before the filing of such petition, which petition shall specify and set forth the character and extent of the improvement to be made and the amount to be raised therefor. And said township board shall follow, as nearly as may be, said petition in determining the character and extent of said repairs

or improvements: *Provided further*, That if said broad road or boulevard shall be opened and constructed, all highway taxes that may thereafter be levied upon the real estate situated in said special boulevard district, shall be, so long as said boulevard is maintained as a public highway, expended or worked out upon the boulevard itself and the highways now open or to be hereafter opened within the limits of said special boulevard district. Further proviso.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 410.]

AN ACT to authorize the common council of the city of Alpena to construct or purchase, own and maintain a system of electric light works, and to provide means for constructing or purchasing, maintaining and managing the same.

The People of the State of Michigan enact:

SECTION 1. For the purpose of constructing or purchasing, owning and maintaining a system of electric light works for the use of the city of Alpena and the inhabitants thereof, the common council of said city is hereby authorized to submit to the electors of said city, at a special election to be called for that purpose, a proposition to raise a sum of money, not to exceed one hundred thousand dollars, by loan, at a rate of interest not to exceed five per cent per annum, to be voted upon by ballot. Said special election shall be called, conducted, managed and votes canvassed and returns made in accordance with the provisions of the charter of said city of Alpena in relation to bonding the city for other purposes, except that at said election only electors owning property in said city liable for the payment of taxes shall vote, and except as herein modified or changed: *Provided*, That at said special election the voting shall take place at the various voting precincts of the city of Alpena in the usual manner, and the recorder of the city of Alpena shall prepare a proper ballot to be voted at said special election, and deliver the same to the various election boards of said city in time for use; and at said special election the election boards of the various wards of said city shall constitute the election boards for this special election, and each of said election boards shall immediately after the closing of the polls canvass the votes cast, and make and execute a certificate showing the results in their said voting precincts, and file such certificate with the recorder of the city of Alpena; and that upon the next day after such special election, the common council shall meet at the recorder's office in

Question of loan submitted to voters.

Limit of loan. rate of interest.

Election, how called, etc.

Proviso as to conducting elections.

Further proviso as to registration. said city of Alpena, at two o'clock p. m., and shall constitute a canvassing board, and shall then canvass the returns of said special election as shown by said certificates with said records, and shall make and execute two certificates showing the result of said special election in said city, and of the votes cast for and against the issue of said bonds, and for and against said loan, one of which certificates shall be filed with the recorder of said city and the other with the county clerk of Alpena county: *And provided further,* That upon the Saturday next preceding said special election the various boards of registration of the city of Alpena shall be in session for the purpose of allowing said qualified electors of said city to be registered.

When may make loan and issue bonds. SEC. 2. If such proposition be approved by a majority vote of said electors present and voting at said election, the common council of said city, at any time thereafter, may construct or purchase and own said system of electric light works to be so constructed or acquired, and make such loan, or so much thereof as may be necessary to pay for said electric light works to be so constructed or purchased, and issue the bonds of said city for the payment thereof, with the interest thereon, said bonds to mature within such time as may be fixed by said common council, not exceeding thirty years from the date thereof.

To be under control of electric light board. SEC. 3. The management and control of said system of electric light works, when so constructed or purchased, and owned by said city of Alpena, shall be vested in an electric light board, which shall consist of five commissioners, who are electors of said city, and who shall be appointed by the common council of said city; the compensation of such commissioners shall be one dollar and fifty cents for each meeting attended.

Board, of whom to consist. One of said commissioners to hold office for one year, one for two years, one for three years, one for four years and one for five years, from the first day of May, in the year eighteen hundred ninety-nine, and thereafter each year between the annual election and the first day of May the common council shall appoint a commissioner of said board, who shall hold his said office for five years, and until his successor shall be appointed and qualified; and in case of a vacancy in the office of said commissioners, the same shall be filled by appointment by said common council. Said electric light board shall hold such meetings and adopt such rules for their own procedure and management as they shall deem wise and necessary, and shall have such powers concerning the management and maintenance of such system of electric light works as may be from time to time conferred upon said electric light board by said common council, except that said boards shall meet the last Monday of each month, and each year before the annual election they shall make to the common council a full report in writing of their doings, which said report, among other things, shall show an estimate of the amount necessary to be raised by taxation for all of the expenses of said board, including

Compensation.

Term of office.

Vacancies, how filled.

May adopt rules, etc.

Meeting of board.

Report to council, what to show.

payment of said bonds and interest thereon, which said sum so recommended by said board shall be raised by said common council of the city of Alpena in like manner as other expenses of said city are raised by taxation. The recorder of the city of Alpena shall be the clerk of said board, shall attend the meetings and keep a record of all the proceedings of said board. Clerk of board.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 411.]

AN ACT to amend section thirty-three of chapter eleven of act number three hundred and twenty-six of the Session Laws of one thousand eight hundred eighty-three, entitled "An act to provide a Charter for the City of Detroit, and to repeal all acts and parts of acts inconsistent therewith," approved June seventh, eighteen hundred eighty-three, as amended by act number five hundred and forty-four of the Local Acts of eighteen hundred eighty-seven, approved June twenty-fourth, eighteen hundred eighty-seven.

The People of the State of Michigan enact:

SECTION 1. That section thirty-three of chapter eleven of act number three hundred and twenty-six of the session laws of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts inconsistent therewith," approved June seventh, eighteen hundred eighty-three, as amended by act number five hundred and forty-four of the local acts of eighteen hundred eighty-seven, approved June twenty-fourth, eighteen hundred eighty-seven, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 33. Whenever the common council shall order any street or any portion thereof, to be graded, or graded and paved, or re-paved, it may enter into contract for the making of such improvement according to the provisions of this charter, or cause such improvement to be made by the board of public works when so deemed advisable, and after the cost and expense thereof has been ascertained, it shall cause the same, except the cost of re-paving, the cost of crosswalks and of the work at the intersections of cross streets, to be assessed upon the lots and real estate herein made subject to such assessment as hereafter provided. In case of all work for paving or re-paving, the work to be performed shall be commenced and completed between the first day of May and the first day When council may enter into contract for improvements of streets.

Proviso. of November in each year: *Provided*, That when such paving shall not be completed at such time by reason of inclement weather, or other good cause, and from no fault of the contractor, the common council may extend the time for its completion: *Provided further*, That whenever the common council shall order the curbing or re-curbing of any street, such curbing or re-curbing shall be done by the board of public works, and all dressing and cutting of stone and other labor to be performed shall be done by citizens of the city of Detroit under the per diem system.

Further proviso.

This act is ordered to take immediate effect.
Approved May 25, 1899.

[No. 412.]

AN ACT to amend section four, five and ten of act number three hundred and fifty-eight of the Local Acts of eighteen hundred seventy-seven, entitled “An act to Incorporate the Public Schools of the Township of Long Rapids.”

The People of the State of Michigan enact:

Sections amended. SECTION 1. That sections four, five and ten of act number three hundred and fifty-eight of the local acts of one thousand eight hundred and seventy-seven, entitled “An act to Incorporate the Public Schools of the Township of Long Rapids,” be and the same is hereby amended so as to read as follows:

Who to be clerk of board of education. SEC. 4. The township clerk of said township of Long Rapids shall be ex-office [ex-officio] clerk of said board of education and shall perform such duties as the board may require, but shall not be entitled to a vote therein. And in case of the absence of said clerk the board may by resolution choose some suitable person to perform such duties. The township treasurer of said township of Long Rapids shall be treasurer of said board of education, shall be custodian of the funds, but shall not be entitled to any vote upon said board.

When board to choose clerk.

Who to be treasurer of board.

When trustees to meet and elect president. SEC. 5. The said trustees shall meet upon the third Monday of April in each year at the township clerk’s office and organize by electing one of their members as president who shall hold his office for one year and until his successor is elected and qualified; and may at any time fill by a new election any vacancy which may occur in said office. And said board of education shall have power to fill any vacancy that may occur in the office of trustee until the next annual election and each trustee so chosen shall within ten days thereafter file with the clerk of said board the oath of office as prescribed by section three of this act.

Vacancy, how filled.

SEC. 10. The treasurer of said board shall have the keeping of all school and library moneys and shall not pay out the same without the authority of said board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president of said board. Said treasurer need not give an additional bond for school funds, but the bond given by him upon qualifying for the office of township treasurer shall include the school funds of said district.

Moneys, who to keep and pay out.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 413.]

AN ACT to amend sections four, five and ten of act number two hundred ninety-one of the Local Acts of eighteen hundred ninety-one, entitled "An act to Incorporate the Public Schools of the Township of Ossineke, Alpena County."

The People of the State of Michigan enact:

SECTION 1. That sections four, five and ten of act number two hundred and ninety-one of the local acts of one thousand eight hundred and ninety-one, entitled "An act to Incorporate the Public Schools of the Township of Ossineke, Alpena county," be and the same is hereby amended so as to read as follows:

Sections amended.

SEC. 4. The township clerk of said township of Ossineke shall be ex-officio clerk of said board of education and shall perform such duties as the board may require, but shall not be entitled to a vote therein. And in case of the absence of said clerk the board may by resolution choose some suitable person to perform such duties. The township treasurer of said township of Ossineke shall be treasurer of said board of education, shall be custodian of the funds, but shall not be entitled to any vote upon said board.

Who to be clerk of board of education.

When board to choose clerk.

Who to be treasurer.

SEC. 5. The said trustees shall meet upon the third Monday of April in each year at the township clerk's office and organize by electing one of their members as president who shall hold his office for one year and until his successor is elected and qualified and may at any time fill by a new election any vacancy which may occur in said office. And said board of education shall have power to fill any vacancy that may occur in the office of trustee until the next annual election and each trustee so chosen shall within ten days thereafter file with the clerk of said board the oath of office as prescribed by section three of this act.

When trustees to meet and elect president.

Vacancy, how filled.

Moneys, who to
keep and pay
out.

SEC. 10. The treasurer of said board shall have the keeping of all school and library moneys and shall not pay out the same without the authority of said board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president of said board. Said treasurer need not give an additional bond for school funds, but the bond given by him upon qualifying for the office of township treasurer shall include the school funds of said district.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 414.]

AN ACT to amend section thirty-eight of an act, entitled "An act to provide a charter for the City of Detroit," the same being section three, chapter four, of the charter of eighteen hundred eighty-three, by providing for an Inspector of Electric Light Meters.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section thirty-eight of an act, entitled "An act to provide a charter for the city of Detroit," approved June seven, eighteen hundred eighty-three, be and the same is hereby amended to read as follows:

Appointment of
certain officers,
how and when
made.

SEC. 38. The following officers shall be appointed by the board of aldermen at a meeting to be held on the second Tuesday in June of each year, viz.: One or more clerks of the market, one or more weighmasters, one or more poundmasters, a gas inspector, an inspector of electric light meters, and such other officers, deputies, assistant officers and agents as may be necessary, and whose appointment shall be authorized by prior resolution of the common council. Also a board of inspection of election, to be appointed and constituted as provided by this act: *Provided*, That any appointment which shall not be made on the day named may be made at any subsequent regular session of the board of aldermen: *And provided further*, That any office created by ordinance or resolution of the common council may be filled at any time until the second Tuesday of June following, when, as in the case of other officers, the regular term of service shall commence, and the office, if continued, be filled for the ensuing year, unless otherwise provided by the ordinance or resolution creating such office.

Proviso.

Further
proviso.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 415.]

AN ACT relative to the Construction of Buildings in the City of Detroit.*The People of the State of Michigan enact:*

SECTION 1. Before proceeding with the erection, enlargement or alteration of any public building, hall, opera house, theater or any building for amusement or recreation, school-house, church and any building of more than three stories in height, in the city of Detroit, a permit for such erection, enlargement or alteration shall first be obtained by the owner or his agent from the city engineer of the city of Detroit, and it shall be unlawful to proceed with the erection, enlargement or alteration of any such building or of any structural part thereof unless such permit shall first have been obtained from the city engineer.

Permit for erection, enlargement, etc., of buildings, when necessary.

SEC. 2. No permit for the erection, enlargement or alteration of any building mentioned in section one of this act shall be given by the city engineer unless true copies of the plans and specifications therefor shall have been filed in the office of said city engineer; said plans and specifications shall remain on file in his office until the completion and occupation of said building, after which said drawings and specifications shall be returned by the city engineer to the parties by whom they have been deposited with him. It shall not be obligatory upon the city engineer to retain such drawings in his custody for more than three months after the completion or occupation of any building. All such plans and drawings shall be drawn to a scale of not less than one-eighth of an inch to the foot on paper or cloth, in ink, or by some process that will not fade or obliterate. All distances and dimensions must be accurately figured, and drawings made explicit and complete, showing the entire sewerage and drain pipes and location of all plumbing within such building. Each set of plans presented for permit must be accompanied by a set of specifications describing all materials to be used in the proposed building.

Plans and specifications to be filed.

How drawn.

SEC. 3. It shall be unlawful to erase, alter or modify any lines, figures or coloring contained upon such drawings or specifications filed as aforesaid. If, during the progress of the execution of such work, it is desired to deviate in any manner affecting the construction or other essential of the building from the terms of the application, drawing or specification, notice of such intention to alter or deviate shall be given in writing to the city engineer and his written assent must be obtained before such alteration or deviation may be made. Alterations in buildings which do not involve any change in their structural parts or of their stairways, elevators, fire-escapes or other means of communication of ingress or egress may be

Unlawful to alter drawings.

Notice shall be given.

What alterations may be made.

Notice of
change to be
filed.

Duty of city
engineer.

Unlawful to
overload build-
ing.

Fee paid to city
engineer.

Penalty for vio-
lation of act.

Acts repealed

made without the permission of the city engineer. The notice of intention to alter or deviate shall be filed with the plans and specifications and treated as a part thereof.

SEC. 4. Before giving any permit, the city engineer shall accurately compute, figure and determine the strength of materials to be used in the building and the loads they are to carry, including snow loads and live loads and the strains to which such building is likely to be subjected by winds and storms and he shall satisfy himself of the strength and safety of such building for the purpose intended, and he shall certify in his permit to the safe load for each floor, gallery and roof to or in said building, which permit shall be in duplicate, one issued to the owner or agent of said structure and the other retained and filed in the office of the city engineer.

SEC. 5. It shall be unlawful for any owner, tenant, occupant, manager or lessee of any building or any agent thereof to suffer or permit any loads or weights upon any floor, gallery or roof of any building in excess of the safe load as stated in the permit.

SEC. 6. Each applicant for a building permit under this act shall pay the city engineer the sum of ten dollars if the estimated cost of said building or alteration shall be less than five thousand dollars, and for every additional one thousand dollars over five thousand dollars the further sum of one dollar.

SEC. 7. The violation of any of the provisions of this act shall constitute a misdemeanor punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not more than ninety days or by both such fine and imprisonment, in the discretion of the court.

SEC. 8. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 416.]

AN ACT to provide for the Dissolution of the Primary School Districts of the Township of Bearinger, and the organization of the Union School District of the Township of Bearinger.

The People of the State of Michigan enact:

Dissolution of
school districts.

SECTION 1. That primary school districts numbered one and two of the township of Bearinger, in the county of Presque Isle, be and the same are hereby disorganized and dissolved, and the said township of Bearinger consisting of surveyed towns thirty-six north, of ranges two and three east, and town

thirty-seven north, of range two east, be and the same is hereby constituted a union school district, to be a body corporate, and to be known as the union school district of the township of Bearinger. Union school district formed.

SEC. 2. Said union school district shall succeed to all the property rights of said primary school districts, including all delinquent taxes belonging thereto, and may have and take all means for the collection thereof which said primary districts might have taken if this act had not been passed. Property rights of district.

SEC. 3. Said union school district shall be liable for all the debts of said primary school districts, existing at the time of their dissolution, and the same shall be collectable by suit, or otherwise, against said union school district, in the same manner that the same might or could have been collected from said primary districts, or either of them, if this act had not been passed. Liability for existing debts.

SEC. 4. The control and management of said union school district and its schools, shall be vested in a board consisting of a director, moderator and assessor, each of whom shall have the same rights and duties as by law are given to such officers in primary school districts. Who manage and control district.

SEC. 5. The annual meeting of said union school district shall be held on the first Monday of July in each year, and at such hour and place as shall be designated by said board; and such business shall then be transacted as is by law transacted at the annual meetings of primary school districts; notice of the time and place of holding such meetings shall be given by the director, by posting the same in three public places in said district, at least five days before each meeting. Annual meeting, when held, how called.

SEC. 6. The first meeting of said union school district shall be held at the hour of noon on the second Monday in July eighteen hundred ninety-nine, at the place of the annual township meeting of said township of Bearinger in April eighteen hundred ninety-nine, and there shall then be elected one director who shall hold his office until the second Monday of July nineteen hundred, one moderator who shall hold his office until the second Monday of July, nineteen hundred one, and one assessor who shall hold his office until the second Monday of July, nineteen hundred two. The electors present shall elect a chairman and clerk who shall conduct such first meeting, and keep a record thereof, and turn the same over to the director elected thereat. The subsequent terms of said officers shall be three years each. First meeting, when and where held.

SEC. 7. The said board shall establish and maintain schools at such places within said district, as are, or may become centers of population, and may fix upon and determine sites therefor, and when authorized by a majority vote of the qualified electors at any annual meeting, may purchase or lease such sites, and build schoolhouses thereon. Such schools shall be taught by legally qualified teachers, in such branches, and for the same number of months each year as the law requires in Board shall establish and maintain schools.

May purchase sites, erect buildings, etc. Employ qualified teachers.

Establish
school library.

case of primary schools; the census and reports of said district shall be taken and made the same as in primary districts.

SEC. 8. Said board shall establish and maintain a school library of which the director shall be the librarian, and all library money belonging to said township of Bearinger shall be used for the maintenance of said library.

Laws to govern.

SEC. 9. In all things not herein otherwise provided for, said union school district, and its officers shall be governed by the primary school laws of this State.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 417.]

AN ACT to Change the Name of Fractional School District Number two of Plymouth and Novi Townships in the Counties of Wayne and Oakland in the State of Michigan, to Fractional School District Number one of Northville and Novi Townships and to add New Territory thereto.

The People of the State of Michigan enact:

Name of school
district
changed.

SECTION 1. That the name of fractional school district number two of Plymouth and Novi townships in Wayne and Oakland counties in the State of Michigan, be changed to fractional school district number one of Northville and Novi townships.

Territory
embraced.

SEC. 2. That said school district shall embrace the following described territory, to wit: The south one-half of section one, section two, except the east one hundred and four acres of the north half of said section, sections three, four and nine, the west half and the northeast quarter of section ten, the north half of section eleven and the north half of section twelve all in the township of Northville, Wayne county, Michigan, and the south half of section thirty-four and the east one hundred and ten acres of the southeast quarter of section thirty-three in the township of Novi, Oakland county, Michigan.

This act is ordered to take immediate effect.

Approved May 25, 1899.

[No. 418.]

AN ACT to provide for organizing union school districts in Gladwin county.

The People of the State of Michigan enact:

SECTION 1. Whenever the qualified electors of any organized township in Gladwin county desire to become organized into a single school district, the same may be done under the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the Upper Peninsula," and the provisions of said act and the amendments thereto are made hereby applicable to the several townships of Gladwin county.

Organization of school districts.

Laws to govern.

Approved May 25, 1899.

[No. 419.]

AN ACT to establish a County Road System in the County of Saginaw, and to provide the money therefor.

The People of the State of Michigan enact:

SECTION 1. That the board of supervisors of Saginaw county, at any general or special session, may submit to the electors of that county, the question of adopting a county road system. Such vote may be taken at any general or special election called for that purpose. The resolution submitting the question may be in the following form, viz: "Resolved, That the question of adopting the county road system be submitted to a vote of the electors of the county of Saginaw at (general or special election) to be held on the ——— day of ——— 189—." If a special election is to be called, a clause added to the resolution in the following form shall be sufficient for that purpose, viz: "And a special election is hereby called to be held in the several townships and wards in said county on the day last aforesaid for the purpose of taking such vote."

May submit question to electors.

Form of resolution.

Notice of special election.

SEC. 2. At least three weeks shall intervene between the adoption of the resolution by the board of supervisors and the time of holding such election. After the adoption of the resolution by the board of supervisors, the county clerk shall give notice thereof. Such notice shall be addressed to the electors of the county and shall set forth the action of the board of supervisors together with a copy of the resolution, and shall further give notice that said question will be stated upon the

Time of election.

Clerk to give notice.

Form of notice and ballot.	ballot to be used at said election as follows: Q. "Shall the county road system be adopted by the county of Saginaw?" "To the electors of the county of Saginaw:" Notice is hereby given that at a meeting of the board of supervisors of said county, held on the _____ day of _____ 189—, the following resolution was adopted, viz: (here set forth the resolution.)
Further notice.	Notice is further given that said question will be stated on the ballots to be used at said election, as follows: "Shall the county road system be adopted by the county of Saginaw?" Dated _____
Notice, how published.	<p style="text-align: right;">"Clerk of the county of Saginaw."</p> <p>SEC. 3. Said clerk shall cause such notice, printed in the form of a hand-bill, to be posted in three or more public places in each township and ward of said county, at least two weeks before the time of such election and also to be published in such newspaper or newspapers published and circulated in said county as the board of supervisors may direct, once in each week for two weeks, the last publication to be at least one week before said election. Proof of the posting and publication of such notice may be made by affidavit of any person or persons knowing the facts and be filed in the office of said clerk and shall be recorded in the proceedings of the board of supervisors. Such affidavit or the record thereof, shall be prima facie evidence of the facts stated therein. Ballots shall be prepared and distributed by the same officers prescribed by law for general elections. The question shall be stated on such ballots as follows: "Shall the county road system be adopted by the county of Saginaw?" and immediately below and on different lines shall be printed the word "Yes" and the word "No." At the time mentioned in such resolution such election shall be held and the vote taken accordingly.</p>
Proof of publication.	
Ballots, how prepared.	
Question, how stated	
Votes required to adopt.	SEC. 4. If upon the canvass of the votes cast at such election it shall appear that the majority is in favor of the adoption thereof, then the county road system shall be considered as adopted in said county: <i>Provided</i> , That if a majority of the votes are not in favor of adopting the county road system, the board of supervisors may, from time to time, again submit the question, but it shall be again submitted only at a general election.
Proviso.	
Elections, when held.	SEC. 5. All elections which under this act may be held on the first Monday of April shall be considered general elections, and shall be held in all cities, wards and townships of said county. The manner of preparing and distributing the ballots at any general or special election held under this act, and the manner of conducting, canvassing, returning and declaring the result, shall be the same as now prescribed by law for other like county elections, except as herein otherwise provided.
How conducted, etc.	

SEC. 6. After the county road system has been adopted the board of supervisors may lay out or cause to be laid out such new roads in the county as they deem necessary, may widen or straighten any road over which they have jurisdiction, and may declare any road previously laid out a county road and take charge of, improve and maintain it as such: *Provided*, That no highway shall be declared a county road unless a majority in acreage of the owners or persons occupying as owners on the line of said highway shall petition that the same be made a county road: *And provided further*, That the board of supervisors may declare any highway a county road, whether petitioned for or not by a two-thirds vote of all the members elect of said board. The board shall give each county road a name by which it shall be known in all proceedings.

When supervisors may lay out road.

Proviso.

Further proviso.

SEC. 7. When said board determine to take charge and control of any existing highway, they shall enter their determination in their records, fixing the date when they will assume such charge and control, and the county clerk shall forthwith give notice of such determination and date to the highway commissioner of each township in which said highway or any part of it may be. Proof of the giving of such notice may be made by affidavit by any one knowing the facts, and shall be filed with the county clerk. Such affidavit or the record thereof or a certified copy of said affidavit or record shall be prima facie evidence of its contents. After such date the county authorities shall have sole and exclusive jurisdiction and control of said road and the township or townships within which the same or any part thereof is situated shall be relieved from all responsibility therefor.

Clerk to give notice of determination of board.

Proof of notice.

SEC. 8. Said board are also authorized to discontinue any county road by a majority vote to be taken at the October session. At the time of determining to discontinue any such road the board shall fix the date at which the same shall cease to be a county road: *Provided*. That reasonable time shall be given the highway authorities of the township or townships in which the same may be situated, in which to prepare to assume responsibility for, and jurisdiction over the same. The county clerk shall, within three days after the adjournment of the session of the board of supervisors at which a vote to discontinue any county road is taken, give notice thereof to the highway commissioner of each township in which said road or any part thereof may be situated. And said townships shall become liable for the care and maintenance of said road from and after the time so fixed by said board, and thereafter the county shall not be liable for the same.

How board may discontinue road.

Proviso.

When to give notice of discontinuance.

Townships liable for care, etc.

SEC. 9. Whenever said board of supervisors determine to lay out a county road or to widen or straighten any road under its jurisdiction, and it shall be necessary to take private property therefor, they shall cause a survey of the proposed road and an accurate description of the lands required to be made, and shall endeavor to obtain from each resident owner, for the

How to proceed when private property is taken.

purpose, a release of the right of way over his land included in such description. So far as able to agree with persons owning lands so required, they shall cause the same to be conveyed to the county for the purpose of a road.

When petition
to be presented
to circuit court.

SEC. 10. Whenever said board shall be unable to agree with any person interested in any parcel of such land, or such person shall be unknown or a non-resident of the county, or a minor, or an insane or incompetent person, the board may cause to be presented to the circuit court of the county a petition describing the proposed road and each parcel of land necessary therefor which they have been unable to acquire, giving the name of each person interested in each parcel of land so far as known, and praying for the appointment of three commissioners to determine the necessity of such proposed road, the necessity of taking each such parcel therefor, and to appraise the damages to be paid as compensation for such taking of each parcel for road purposes. The court shall appoint a guardian ad litem for any minor, insane or incompetent person interested in the proceedings. The guardian shall be a resident of the county. Upon the filing of the petition, the court shall make an order fixing a day for the hearing on such petition, which shall be not less than three weeks thereafter. Such order shall recite the names of the persons mentioned in the petition, the description of each parcel of land to be taken, and state the purpose of the petition. Such order shall be published once each week for two successive weeks in some newspaper published and circulated in the county to be designated by the court, and notice thereof shall be served on each person named in the petition interested in the land who resides within the county, and upon each such guardian, at least ten days before the day of hearing. Such service may be made personally or by leaving at the place of residence of the person to be served. Proof of publication and service may be made by affidavit of any person or persons having knowledge of the facts. Such proof shall be filed with the court on the day of hearing, and thereupon the court shall have jurisdiction of the subject matter involved in the proceedings and of the parties interested therein.

Guardian ad
litem.

Court to make
order.

What order to
recite, how
published, etc.

Appointment
and duty of
commissioners.

SEC. 11. On the day of hearing, the court shall hear the parties and appoint three disinterested persons commissioners whose duty it shall be to determine the necessity of such proposed road and the necessity for taking each parcel of land described in the petition for the use and benefit of the public therefor, and if they shall decide that it is necessary, then to appraise the damages to be paid as compensation for the taking of each parcel therefor. The commissioners shall be sworn faithfully to discharge their duty. The court shall fix the time and place for the first meeting of such commissioners, and require their attendance; it may also authorize the commissioners to adjourn their meeting from time to time not

Court to require
attendance of
witnesses.

later than to a day to be named, and shall fix the time for filing the report of such commissioners.

SEC. 12. The commissioners shall meet at the time and place ordered by the court. If all do not then appear, a less number may adjourn to a time certain, but no adjournment shall be made to a day later than the time allowed by the court. Such adjournments shall be publicly announced. The court or the clerk thereof may issue writs of subpoena to compel the attendance of witnesses before the court or before the said commissioners. Either one of such commissioners may administer oaths to witnesses. The commissioners, at the time fixed by the court or at the time fixed by adjournment, shall view the premises described in the petition and hear the proofs and allegations of the parties, and render their decision in the premises. They shall report such decision in writing, signed by them or by a majority of them, at the time fixed for that purpose. If their decision is that the road is unnecessary, no further proceedings for the establishment of such road shall be taken for one year thereafter; if the decision is that the proposed road is necessary and that such lands are necessary to be taken therefor, they shall appraise the damages to be paid as compensation to each person interested for each parcel of land.

Time and place of meetings.

Who to administer oaths. Commissioners to hear proofs and allegations.

Decision to be in writing.

When to appraise damages.

SEC. 13. The court may, at the time of the filing of the report or at such other time to which it may adjourn the proceedings, on cause shown, set aside the report and refer it back to such commissioners or appoint other commissioners to retry the questions involved, whereupon such proceedings shall be had as are hereinbefore provided for. The court may permit the amendment of any petition, affidavit, order, report or proceeding filed or had in the premises in such manner as shall be just and proper; it may fill any vacancy that shall occur among the commissioners; it may permit a defective proceeding to be set aside and other proceedings in compliance with law to be had in place thereof; it may adjourn such proceedings or any part thereof from time to time, and may make all such orders in the premises as may be just and proper to further and accomplish the purpose thereof.

Report may be set aside.

Power of court.

SEC. 14. After the court shall confirm the report of the commissioners, it shall enter an order authorizing the board of supervisors to pay the several sums awarded for damages, and the board shall pay the same accordingly. Such payment shall be made in money to the several persons entitled thereto, and if refused, or if there be no person properly authorized to receive the same, it shall be deposited as directed by the court. Upon filing proof of payment or deposit as ordered, the court shall prepare a certificate under its seal, signed by the judge, reciting briefly the proceedings that have been had, giving the names of the parties interested, describing the lands taken for such road, the award of damages therefor and the payment or deposit of the money, and deliver the same to the board of

Damages, when paid.

Payment to be in money.

Certificate, what to contain, etc.

Compensation. supervisors or such depository as they shall designate, and thereupon the title to such land shall be deemed vested in the county to be used for road purposes only. Such certificate shall be recorded in the book of deeds in the office of the register of deeds. Such certificate or the record thereof or a certified copy of such record shall be prima facie evidence of the facts recited therein and of title to such lands in the county and of the right of the county to construct and maintain a road thereon. The court shall fix the compensation of the commissioners, not to exceed three dollars per day and determine the amount of necessary expenses incurred in connection with such proceedings which shall be paid by the board of supervisors.

Power and authority of board of supervisors to construct, etc., roads. SEC. 15. The board of supervisors shall have authority and power to grade, drain, construct, stone, gravel or macadamize any road under control of county authorities or to place thereon any other form of improvement which in their judgment may be best and to extend and enlarge such improvements, and they may construct bridges and culverts and repair and maintain said roads, bridges and culverts. They shall have all the authority in respect to such roads which is vested in highway officers of townships relative to encroachments and obstructions thereon and the preservation of bridges, of trees, and the removal of thistles, milk-weeds and other obnoxious weeds. They may authorize and direct action to be brought for injury to any county road or any improvement thereon or to any bridge or culvert under their jurisdiction. Money recovered in such actions shall be paid to the county treasurer and credited to the county road funds.

Action may be brought for injury to county road.

Plans and specifications.

SEC. 16. Whenever the board of supervisors determine to improve any county road or to construct any bridge or culvert, they shall also determine what if any plans and specifications therefor shall be prepared and by whom, and may from time to time adopt such regulations in relation thereto as shall appear to them to be necessary or proper. The board may also determine whether or not such work shall be let by contract; and if they determine that it shall, may also determine whether bids shall be advertised for, the manner and time of the advertisement, and may give any of their officers, committees or employes such power and authority in relation thereto as they shall deem proper.

Plans, specifications, etc., filed in office of county clerk.

SEC. 17. All plans, specifications, contracts, assessment rolls and other papers, documents and files of every nature, shall be kept in the office of the county clerk.

Board may employ engineer.

SEC. 18. The board of supervisors may employ any competent engineer or other suitable person or persons to superintend the work of making any of the improvements contemplated by this act; to see to it that all county highways, bridges and culverts are kept in safe and proper repair; and to keep the same clear of obstructions and encroachments, of thistles, milk-weeds and other noxious weeds; and may confer

Duties of engineer.

upon such engineer or other employes all the power and authority necessary therefor. And the board may require any of their employes to give bond with such conditions, in such sum and with such sureties as they shall determine.

Board may require employes to give bonds.

SEC. 19. Said board may also authorize and direct such engineer or other employe, to ascertain the cost, including the cost of the surveys, plans, specifications, preliminary estimates and advertising for bids of the permanent improvement of any road or part of road, by stoning, grading, macadamizing or otherwise, as soon as the same is completed, and to file a verified statement of such costs; also to ascertain the parcels and descriptions of land in the vicinity of the improvement which are specially benefited thereby; to make and file a map or plat of said district, which shall not extend beyond one and one-half miles on either side of the highway improved; and to prepare a special assessment roll which shall contain a description of the several parcels of land within the assessment district, and the amount which each is by him deemed to be specially benefited by the improvement: *Provided*, That no part of the cost of any bridge or culvert and the approaches thereto, in excess of three hundred dollars shall be included in the special assessment. Such assessment rolls shall be numbered and each shall have endorsed upon it the name of the road, or part of the road, improved: *Provided*, That no more than one-fourth of the total cost of said improvement shall be spread as a special tax upon any special assessment district. But such assessment shall not be deemed complete and binding until approved by the board of supervisors.

Board may authorize engineer to ascertain cost, etc.

Special assessment roll.

Proviso.

Further proviso.

SEC. 20. The county clerk shall lay before the board of supervisors on the first day of the October session in each year, or as soon thereafter as may be all such rolls as are contemplated by the last preceding section, which have been filed on or before the twenty-fifth day of September preceding said session, and the board shall during that session or at any session to which they may adjourn, carefully review each of such assessments and may change, modify or correct the same in whole or in part, may change the assessment district, or may approve and ratify the entire assessment without change. And said board shall hear all persons in relation to each assessment who may be interested in any property in said assessment district which is liable to be specially assessed for said improvement. All persons shall be bound to take notice that such hearing, review and assessment will be had and made at such session whether any further notice than the provisions of this act be given or not. The board of supervisors shall designate some weekly or semi-weekly newspaper, published and in general circulation in said county, as the official newspaper of said board, and the county clerk shall in the first issue of said paper after September twenty-fifth in each year, publish a notice of all such proposed assessment rolls as have been filed in his office during the year prior to

County clerk to lay before board of supervisors assessment roll.

Duties of board.

Official newspaper.

Notice, when published, etc.

Proviso. and including said date and shall repeat the publication in the next issue of said paper if it is a weekly paper, and in the next two issues of a semi-weekly paper: *Provided*, That said notice shall be sufficient if it give the name of the road improved and mention in general terms the nature of the improvement. Proof of such publication may be made by affidavit of the printer or publisher of the newspaper in which it is made, or any other person having knowledge of the fact, and shall be filed in the office of the county clerk. Every roll so made, reviewed, ratified and confirmed by said board, shall be final and conclusive, and the assessment so made shall thereupon become, and until paid shall, with the interest thereon, remain a lien upon the lands assessed. Special assessment rolls, when completed, shall be filed in the office of the county clerk, and a duplicate thereof shall be filed with the county treasurer.

When special assessment to bear interest. **Rate of interest.** **Proviso.** **When may pay to county treasurer.** **County treasurer to file certificate showing payment.** **Duplicate receipts, where filed.** **Proviso.** **SEC. 21.** Special assessments made under this act shall bear interest from and after thirty days from the last day of the session of the board at which they are made and approved. The rate of interest shall be the same as the general tax laws of the State provide shall be paid upon delinquent taxes: *Provided*, That the board of supervisors may fix a lower rate of interest. And the provisions of the general tax laws of the State as to collection fees to be paid township treasurers shall apply to such parts of any special assessment as shall be carried into the township tax roll.

SEC. 22. The owner of, or any person interested in, any parcel of land thus especially assessed or of any undivided part or interest, may pay the assessment upon said land or said undivided part or interest, to the county treasurer at any time after the assessment roll shall be completed and filed with the county clerk, and a duplicate thereof filed with the county treasurer, and said treasurer shall give him duplicate receipts therefor, and minute the same as paid upon his duplicate roll. The county treasurer shall also file with the county clerk a certificate showing said payment and the clerk shall minute the fact upon the assessment roll opposite the description of land, and thereafter no part of the assessment so paid shall be carried into the township tax roll.

SEC. 23. If any part of such special assessment shall have been carried into the township roll as provided in this act before such payment to the county treasurer, the person paying the same may file one of the duplicate receipts received from the county treasurer with the township clerk who shall immediately report the same in writing to the supervisor, if the township tax roll be in his hands, and to the township treasurer if the roll be in his; and the officer in possession of the township tax roll shall thereupon minute the fact of such payment upon the roll opposite the description of land: *Provided*, That if, when such payment is made to the county treasurer, any part of the assessment is then payable to the township

treasurer with the addition of collection fees, the amount of such fees shall also be paid to the county treasurer.

● SEC. 24. The board of supervisors shall divide said special assessments when completed into four equal parts and shall order one of those parts together with interest on the whole special assessment from the end of the thirty days aforesaid to the first of March following to be entered upon the tax roll of the township for the current year in a column to be headed "Special county road tax;" and each year thereafter until the whole of said tax has been carried into the township roll, or paid, the board of supervisors shall order one-fifth of the whole of said assessment, together with interest on the unpaid portion thereof for one year, to be entered upon said township tax roll in the manner aforesaid. And all the provisions of the general tax laws of the State relative to the collection and return of county taxes, and to the sale of property returned delinquent for such taxes shall apply in the case of such special assessments.

How special assessment entered on assessment roll.

SEC. 25. The board of supervisors at the October session of each year, shall determine the amount of tax to be raised for such year in said county for the purposes contemplated by this act, and shall cause such determination to be entered upon their records. Such tax shall not exceed two dollars on each one thousand dollars of the assessed valuation upon the assessment rolls of the county for the preceding year. Said board shall also apportion such tax among the several townships of said county and the city of Saginaw, according to their equalized valuation, and the supervisors or other assessing officers in such townships and city shall levy and apportion the taxes so apportioned to their respective townships and city, upon the tax rolls of such townships and city respectively, upon which the county taxes are assessed. The taxes so assessed shall be carried out upon the tax rolls in a separate column to be headed "General county road tax," and shall be collected and paid to the county treasurer, the same as other county taxes. All the provisions of law relating to the assessment, levy, collection and return of the county taxes and the sale of property delinquent therefor, shall apply to taxes to be raised pursuant to this act. The county treasurer shall keep a separate account of the taxes collected and moneys received under this act, and shall pay the same out only upon the order of such board of supervisors or its duly authorized committee, officers, agents or appointees.

When board of supervisors to determine amount of tax to be raised.

Board to apportion tax.

General county road tax.

County treasurer to keep account of taxes collected.

SEC. 26. It is hereby made the duty of said county to keep in reasonable repair, so that they shall be reasonably safe and convenient for public travel, all county roads, bridges and culverts that are within its jurisdiction and under its care and control and which are open to public travel. The provision of law respecting the liability of townships, cities, villages and corporations for damages for injuries resulting from a failure in the performance of the same duty respecting roads, bridges

County to keep in repair road bridges, etc.

When damages for injuries shall apply to county.

Service, whom to be made upon.	and culverts under their control, shall apply to said county after adopting such county road system. In actions arising thereunder service shall be made upon the chairman of the board of supervisors or the county clerk of the county which shall be named in the process as the "County of Saginaw," and any judgment obtained thereon against such county shall be audited and paid as are other claims against such county.
How judgment paid.	SEC. 27. All moneys raised by taxation or collected as fines and penalties and all special assessments collected, under the provisions of this act shall be paid into the county road fund.
Fines, etc., where paid.	SEC. 28. Said board shall, for the purpose of carrying out the objects of this law, have full power and authority to employ such agents and servants, not herein elsewhere provided for, as they shall deem necessary and confer upon them such power as they shall think proper; also to purchase or cause to be purchased, such machinery, tools, materials and other property of every nature and description as they may deem proper for the purposes aforesaid.
Power and duty of board.	SEC. 29. No money raised under the provisions of this act shall be expended within the corporate limits of the city of Saginaw, nor used for any other purpose than herein provided.
Moneys, how expended.	SEC. 30. If at any time hereafter the board of supervisors of said county shall think it desirable to submit to the electors of said county the question of raising money for the purposes contemplated by this act by issuing the bonds of the county, they may submit such question by a majority vote; and they shall at the same time determine when such vote will be taken, whether at a general or special election, the notice of such election which shall be given, the form of the ballot to be used, and the manner of canvassing, returning and preserving the evidence of such vote. And shall also at the same time determine the amount of money which it is proposed to thus raise.
When and how question submitted to electors.	SEC. 31. If a majority of the electors of said county voting upon said question, when so submitted, shall vote in favor of issuing said bonds, the board of supervisors at any regular or special session thereafter shall determine the denomination of the bonds, the length of time they shall run, the rate of interest they shall bear, not exceeding five per cent per annum, and shall cause such bonds with interest coupons attached to be issued, signed by the clerk and chairman of the board of supervisors. Such bonds shall be negotiated under the direction of the board of supervisors, at not less than the face value thereof, and the money received therefor paid into the county treasury of said county, and there kept in the county road fund, to be drawn therefrom and used only in the manner and for the purposes mentioned in this act, and only such number of said bonds shall from time to time be signed, issued and negotiated as said board of supervisors shall from time to time determine.
Bonds, when to issue.	This act is ordered to take immediate effect.
Board of supervisors to fix denomination, etc.	Approved May 17, 1899.

[No. 420.]

AN ACT to authorize the Board of Supervisors of the County of St. Joseph to appoint, from their number a Building committee, to Superintend the construction of a Court-House for said county, and to provide and fix their compensation.

The People of the State of Michigan enact:

SECTION 1. That the board of supervisors of the county of St. Joseph is hereby authorized to appoint, from their number a building committee consisting of five members, whose duties it shall be to superintend the building, constructing, and furnishing of a court-house within and for said county. Supervisors may appoint building committee.

SEC. 2. The members of such building committee shall each receive for their services and expenses as such committee the sum of two dollars per day for the time actually and necessarily spent in superintending the constructing and furnishing of such court-house, together with their actual and necessary expenses the same to be audited by the board of supervisors. Compensation.

This act is ordered to take immediate effect.

Approved May 26, 1899.

[No. 421.]

AN ACT to authorize the city of Detroit, through the Common Council thereof, to issue, subject to the approval of the Electors of said City, Bonds to the amount of one hundred and fifty thousand dollars, for the purpose of improving Belle Isle Park in said City, by the erection thereon of a combined Aquarium and Horticultural building, and under certain conditions, of other permanent improvements.

The People of the State of Michigan enact:

SECTION 1. That for the purpose of the improvement of Belle Isle Park by erecting and equipping thereon a combined aquarium and horticultural building, and by the construction of another building or buildings for the purpose of zoological exhibits, and for the construction of permanent stone bridges or other incidental permanent improvements in said city, the common council of the city of Detroit shall have power to borrow, upon the best terms it can make and for such time as it shall deem expedient, a sum of money not exceeding one hundred and fifty thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal Bond issue.

Controller to keep record.	<p>and interest of said bonds, which bonds shall be denominated "Park Improvement Bonds of the City of Detroit," and shall bear interest not exceeding four per cent per annum. The controller shall keep an accurate register of all said bonds issued showing the number, date, and amount of each bond, and to whom the same was issued. The money received from such bonds shall be placed in the city treasury and shall be expended solely for the purposes herein specified under the supervision and on the warrant of the board of park and boulevard commissioners of said city: <i>Provided</i>, That not less than the sum of one hundred thousand dollars shall be devoted in the first instance to the erection and equipment of a combined aquarium and horticultural building in said park. The entire sum of one hundred and fifty thousand dollars may be devoted to said purpose by said commissioners in their discretion, but if they shall deem a lesser sum, but not less than one hundred thousand dollars, adequate for said purpose, they shall have power to expend the remainder of said entire sum for the construction of a building or buildings suitable for zoological exhibits such as are commonly located in similar parks in other cities, or they shall have authority to devote said remainder of said entire sum for the construction of permanent stone bridges or other permanent improvements on said island or for any or all of the above kinds of improvements.</p>
Sum devoted in first instance.	
How may expend the remainder.	
Question to be submitted to electors.	<p>SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said city of Detroit, voting at an election to be held in said city on the seventh day of November, eighteen hundred ninety-nine, voting on the question of said loan, shall so determine, and the common council of said city is hereby authorized and required to give notice of submitting the question of said loan to the qualified electors of said city by giving due notice thereof, and causing the date, place of voting, and object of said election to be stated in printed or written notices and posted in six public places in each voting precinct in said city, not less than six days before said election, and publishing the same in one or more of the daily papers published in said city for three days prior to said election, which notice shall state the amount of money proposed to be borrowed, the amount of bonds to be issued, and the purposes thereof, and it is hereby made the duty of said common council to cause said question to be duly submitted and to do any and all other legal acts which may be necessary for the proper and legal submission thereof.</p>
Council to give notice of election.	
When published.	
What to state.	
Proposition, how submitted.	<p>SEC. 3. Said proposition shall be submitted in the following manner, the same being printed upon the official ballots for said election or upon special ballots if so ordered by the common council. The wording wherein such proposition shall be submitted shall be as follows: "For issuing park bonds for aquarium or other permanent improvements on Belle Isle Park? Yes." "For issuing park bonds for aquarium or other</p>
Form of ballot.	

permanent improvements on Belle Isle Park? No." The election shall be conducted and the votes canvassed and returns made in all respects as the aforesaid election held in said city is by law required to be conducted, and immediately upon the conclusion of such canvass the board of city canvassers shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against the same respectively, and said city canvassers shall endorse upon such certificate and declare in writing the result of such election, which certificate and declaration shall then be filed with the city clerk and entered at large upon the records of said city, and a copy of said certificate and declaration certified to by said clerk shall be filed by him with the county clerk of Wayne county.

Election, how conducted.

SEC. 4. The board of park and boulevard commissioners shall have full and absolute authority in disposing of the moneys arising by said issue of bonds and it shall be their duty to devote the proceeds thereof to the purposes prescribed by this act. The common council shall have full authority to provide by resolution for the advertising and sale of said bonds, the manner thereof to conform as near as may be practicable to the regulations heretofore prescribed by law for the issuance of sewer bonds. The bonds herein provided for shall run for a period not less than fifteen nor more than fifty years. The issue of bonds herein provided for shall not be subject to the bonding limitation of said city of Detroit as now prescribed by law, but may be in excess of said limitation.

Power of park commissioners.

Council may by resolution provide for sale of bonds.

Not to be subject to bonding limitation.

This act is ordered to take immediate effect.

Approved May 26, 1899.

[No. 422.]

AN ACT authorizing the township of Palmyra in the county of Lenawee, to issue bonds to the amount of not more than seven thousand dollars, for the payment for the construction of a bridge over the Raisin River on section eight of said township, known as LeRoy Bridge, and to provide for the manner of issuing the same.

The People of the State of Michigan enact:

SECTION 1. The township of Palmyra, in the county of Lenawee, is hereby authorized and empowered to issue bonds upon the faith and credit of such township, to an amount not exceeding seven thousand dollars, and to use or negotiate the same for the purpose of raising money to pay for the construction of a steel bridge over the Raisin River on section eight of said township, known as LeRoy Bridge, upon the con-

Bond issue.

Limit of.

ditions, under the circumstances and in the manner hereinafter provided.

Question submitted to electors.

Time and place of election.

SEC. 2. No such bonds shall be issued unless a majority of the qualified electors of said township, voting at a township meeting, a general election or a special election duly called to be held at a time to be fixed by the township board of said township, not more than sixty days after said board shall have decided to call said election, which shall be held at the same place as the last preceding township election was held, and conducted in the manner hereinafter provided, shall so determine; and the said township board is hereby authorized and empowered to submit the question of said bonding to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices, to be posted in five public places in said township, at least ten days before the time fixed for such election, which notices shall state the amount of money proposed to be raised by such bonding, and the purpose to which it shall be applied.

Manner of voting.

SEC. 3. The vote upon such proposition shall be by a printed ballot, or in the usual manner on the Abbott voting machine, in the following words:

Form of ballot.

"For issuing township bonds not exceeding seven thousand dollars for the purpose of constructing a bridge over the Raisin River at Le Roy, (so-called,) for a time not exceeding five years and at a rate of interest not exceeding four per cent, (Yes.)

Idem.

For issuing township bonds not exceeding seven thousand dollars for the purpose of constructing a bridge over the Raisin River at Le Roy, (so-called), for a time not exceeding five years and at a rate of interest not exceeding four per cent, (No.)"

Election, how conducted.

Such election shall be conducted and the votes thereat canvassed in all respects as in other township elections, and immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against it. Said inspectors shall endorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the clerk of said township, and a copy thereof certified to by said township clerk shall be filed in the office of the clerk of Lenawee county.

Amount of bonds, rate of interest, etc.

SEC. 4. If such issue of bonds shall be authorized by vote of electors of said township, such bonds may be issued in such sums not exceeding the amount hereby authorized, payable at such time and place not exceeding five years from the date of such bonds, and with such rate of interest not exceeding four per cent per annum, as such township board shall direct by resolution. Said bonds shall be signed by the township board and countersigned by the township treasurer and negotiated by

and under the direction of said board, and the moneys arising therefrom shall be used in paying for the construction of the said bridge before mentioned.

SEC. 5. It shall be the duty of the said township board to provide for the raising by tax upon the taxable property of such township, such sums of money annually as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due. Tax levy for payment of bonds.

SEC. 6. No bonds issued under and by virtue of this act shall be negotiated at less than their par value. How negotiated.

This act is ordered to take immediate effect.

Approved May 26, 1899.

[No. 423.]

AN ACT to amend section five of chapter seven; section nineteen of chapter eleven; sections ten, twelve, twenty-four and twenty-eight of chapter twelve; sections one and three of chapter thirteen; section twelve of chapter fourteen, of an act, entitled "An act to amend and revise the charter of the City of Marquette, Marquette County," approved March twenty-seventh, eighteen hundred and ninety-one, as amended by act number three hundred and twenty-three of the Local Acts of the year eighteen hundred and ninety-three, and as amended by act number four hundred and nine of the Local Acts of the year eighteen hundred and ninety-five, and as amended by act three hundred and fifty-five of the Local Acts of the year eighteen hundred and ninety-seven; and to add one new section thereto to stand as section two of chapter seven; and to repeal all acts and parts of acts contravening the provisions of this act.

The People of the State of Michigan enact:

SECTION 1. That section five of chapter seven; section nineteen of chapter eleven; sections ten, twelve, twenty-four and twenty-eight of chapter twelve; sections one and three of chapter thirteen; section twelve of chapter fourteen of an act entitled "An act to amend and revise the charter of the city of Marquette, Marquette County," approved March twenty-seven, eighteen hundred and ninety-one, amended by act number three hundred and twenty-three of the local acts of the year eighteen hundred and ninety-three, and as amended by act number four hundred and nine of the local acts of the year eighteen hundred and ninety-five and as amended by act number three hundred and fifty-five of the local acts of the year eighteen hundred and ninety-seven, be amended, that there be added thereto one new section to stand as section two of chapter Sections amended.

seven; said amended sections and said new section to read as follows, viz:

CHAPTER VII.

Council may
provide for
sprinkling
streets.

Expense of.

SEC. 2. The common council shall have power to cause any of the streets in said city, or any part thereof to be sprinkled with water in such manner as they by ordinance or resolution shall provide and direct; and also to provide for the payment of the expense thereof, and may, if they so determine, charge the expense of such sprinkling to the owners of the lands abutting the streets sprinkled, or the expense and benefit of such sprinkling may be estimated and determined and charged and assessed to the property abutting upon such streets proportioned according to frontage thereof, on the streets so sprinkled as a special tax after the expense of the same has been determined and the controller is authorized to spread the same upon the tax roll as a "sprinkling tax," whenever the common council by resolution shall so direct: *Provided*, That notice of at least one week shall be given by publication in a newspaper of said city of the session at which the council will designate the streets or parts of streets to be so sprinkled and estimate and determine the said expense and benefit; at which session all persons interested shall be given an opportunity to be heard in relation thereto.

License money
to be paid into
treasury.

Money depos-
ited by treas-
urer in bank, to
be lien on.

SEC. 5. All sums received for licenses granted for any purpose by the city or under its authority shall be paid into the city treasury to the credit of the general fund. All public moneys deposited by the city treasurer in any bank or banks, together with the interest thereon, shall be a lien on all the assets of such bank or banks and shall have precedence over all claims and liens thereon not of a public character and shall bear interest at not less than six per cent per annum from the time of any default in the payment on demand of any portion of such moneys so on deposit.

CHAPTER XI.

Persons injured
by defective
public property
to make claim.

SEC. 19. The said city shall not be liable to respond in damages for any injury to person or property occasioned by any defect or alleged defect in any public street, lane, alley, park, walk, public space or public buildings or public ground within said city, unless the person claiming such damages shall, within fifteen days next after such injury, give written notice to the mayor, recorder or city attorney of the fact, date and particulars of such injury, and shall within ninety days next after such injury present such claim to the controller of said city in writing and under oath, stating the time, place, cause and manner of such injury and the facts connected therewith and the witnesses, if any, present when such injury was received

and the amount of damages claimed by reason of such injury; which claim shall be presented to the council and, if the council order that evidence be taken thereon, proofs shall be taken on such claim as nearly as practicable in the manner provided by law for the taking of testimony by depositions in judicial proceedings, or in such other manner as the council shall direct, which proofs when taken shall be filed with the recorder. The claimant shall within thirty days after publication of the minutes of the session of the council ordering the taking of evidence on such claim, or within such further time as the council may allow, proceed to take evidence in support of his claim, and shall diligently prosecute the same. Such claimant shall give his testimony in relation to said claim and shall submit himself to reasonable physical examination by such registered physicians and surgeons as may be required by authority of the council, and any neglect or refusal so to do or to do anything herein required of him shall be deemed a waiver and abandonment of his said claim, and no court shall have jurisdiction of any such claim except upon appeal as hereinafter provided.

Evidence to be
furnished
council.

CHAPTER XII.

SEC. 10. All taxes levied as herein provided, for State, county, city and other purposes shall become at once a debt to the city from the person to whom they are assessed; and the amounts assessed on any interest in real property shall become a lien on such real property the year assessed as follows: State and county taxes shall become a lien on the first day of December in each year; city and other taxes shall become a lien on the fifteenth day of July in each year, and the lien for such amounts and for all interest and charges thereon shall continue until payment thereof. And all personal taxes shall also become a lien on the property assessed the year assessed as follows: Such city and other taxes as are assessed on or before July fifteenth in each year shall be a lien on and after that date; State and county taxes and such city and other taxes as are assessed after said fifteenth day of July in each year; and all personal taxes which become a lien on any personal property shall take precedence of any sale, assignment or chattel mortgage, levy or lien on such personal property executed or made after such taxes have become a lien, except when such property is actually sold in the regular course of trade. All State, county, and school taxes in said city, and all city, highway and other local taxes, which shall be raised by general taxation, shall be assessed and levied upon same property, and collected as near as may be in the same manner as is or may be provided by law for the assessment and collection of taxes by township officers, except as herein otherwise provided. The city treasurer, or city collector, shall make return to and settlement with the county

Taxes a debt to
city.

City treasurer
to make return,
when.

Duty of council
in regard to
taxes.

When re-sale of
delinquent
lands to be
made.

When defect is
owing to
invalidity of
decree.

treasurer within the same time and in the same manner as township officers are or shall then be required by law to make such returns and settlements; and after such returns the same proceedings shall be had for the collection of taxes returned delinquent, and for the sale of lands for delinquent taxes, as shall then be prescribed by the general laws of this State for the collection of delinquent taxes and sale of lands for delinquent taxes in townships; and all laws that shall from time to time be in force, relating to the redemption of lands sold for taxes, the conveyance of such lands after the redemption shall have expired, and the force and effect of the conveyance given on such sale, shall apply with equal force thereto, except as herein otherwise provided. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards in the townships of this State, in reference to said county, State and school taxes, except as is otherwise provided in this act.

SEC. 12. Whenever the common council of said city shall represent to the Auditor General that any sale or sales of any real estate situated in said city, to the State for delinquent taxes, heretofore made or hereafter to be made pursuant to the decree of any court as provided by law, are void because of the invalidity of the decree or decrees for want of jurisdiction or for any other reason, or because of any defect in the proceedings subsequent to any such decree for the sale of such real estate or the report and confirmation thereof, and shall also furnish the Auditor General a statement of the alleged defects in the proceedings to obtain such decree or decrees, or to make such sale or sales, and shall request the Auditor General to take proceedings for the resale of any such real estate, and the interest acquired by the State on any such sale shall still be held by the State, the Auditor General is hereby empowered and it shall be his duty to institute proceedings to cause a resale thereof in the following manner: If the invalidity of any decree or decrees is so alleged the Auditor General shall file a new petition in the same court in which such decree was made, alleging the invalidity of the former decree or decrees and the grounds thereof, and also containing the allegations and making the reference for descriptions and amount of taxes for the year or years for which resale is sought and interest and charges, to schedules, as required by the provisions of the general laws of this State then in force for proceedings for decree against lands for delinquent taxes and the sale thereof, and praying for a decree declaring such former decree or decrees null and void, as well as for a new decree in favor of the State for payment of such delinquent taxes, interest and charges and in default thereof that such real estate be sold. All the provisions of the general laws of this State then in force for proceedings for decree and sale of lands for delinquent taxes, except as herein otherwise provided, shall apply to such petition, and the

notice of the pendency thereof; and such petition may embrace therein lands before them bid off in the name of the State and thus held for delinquent taxes of any year or years, all of which taxes, with interest and charges found to be a lien on such lands may be included in the decree for the amount found due and for which the same may be decreed to be resold; and all subsequent proceedings to and including the sale and conveyance of the lands, shall be as near as may be in accordance with such provisions of the general laws. The decree shall be substantially in the same form as may be prescribed by law for decrees against lands for delinquent taxes, except that such former decree or decrees shall thereby be declared void; and it shall direct the sale of the lands covered thereby to be made at the time and place appointed by law for the annual sale of lands delinquent for taxes. The same time shall be allowed for redemption of lands sold on such decree as is allowed by law on other lands sold for taxes. If any such sale or sales are so alleged to be void because of defect in the proceedings subsequent to the decree for sale, the Auditor General shall present his petition to said court, setting forth the defect, referring to such decree and the tax record referred to therein, and praying that such sale may be set aside and resale ordered. Proceedings thereon shall be had and notice of the pendency thereof be given as near as may be in the manner above provided for. If the court shall find that such sale is void it shall so decree, and the Auditor General shall thereupon proceed to advertise the said lands for sale and cause the same to be sold in the same manner as is provided by law for the sale of lands decreed for sale which for any cause shall not be sold as advertised. In all cases wherein the sale of any of the lands in said city, made under the general tax laws of this State, has been or may be set aside by any court, or otherwise cancelled according to law, and the money paid on such sale, shall have been refunded to the purchaser, his representatives or assigns, the lien for the taxes for which sale was made shall be revested in the State, as if no sale had been made; and the Auditor General shall, as soon as practicable, cause such lien to be foreclosed, and the said lands to be resold in the manner aforesaid.

When sale is void owing to defect in proceedings.

When lien to be revested in State.

SEC. 24. There shall be annually levied and collected in said city the following tax upon dogs upward of six months of age, viz: Upon every male dog owned and kept by any person or family within said city, one dollar; upon every female dog owned and kept by any person or family, three dollars; and every person harboring any dog or dogs or permitting the same to be and remain about his premises or dwelling, or any other lot, barn, or premises used or occupied by him or her, shall be deemed the owners of such dog or dogs within the meaning of this act.

Dog tax, levy and collection of.

SEC. 28. It shall be the duty of the marshal, upon payment of such dog tax to him, to deliver to the person or persons paying the same, a receipt therefor, showing the amount of

Marshal to give receipt for same.

Recorder to
furnish tag.

such tax paid and the number and sex of the dog or dogs upon which it is paid. Upon receiving such receipt it shall be the duty of the person receiving the same to present the same to the recorder, whose duty it shall be to note in the duplicate list of dog taxes in his office, the payment of said taxes and date and amount thereof, and shall deliver to the person receiving such receipt one of said tags, numbered in its order, for each dog upon which a tax is paid, and shall countersign and return said receipt to such person. It shall be the duty of the person receiving such tag or tags and the owner of every dog in said city, to cause one of said tags to be securely fastened to or about the neck of each dog owned, kept or harbored by such person, by a proper collar of leather, brass, steel, nickel, iron or other proper material, and kept thereon until the first day of July next thereafter, and no longer; and in case of the loss of any such tag, it shall be necessary for such owner or keeper to file an affidavit of such loss with the recorder, and procure from him a duplicate of said tag and pay therefor a fee of five cents to said recorder, who shall enter on said duplicate list the fact and date of the issue of said duplicate tag, and shall pay over said fee to the treasurer and report the same to the controller.

CHAPTER XIII.

Compensation
of officers.

SECTION 1. The officers of said corporation shall be entitled to receive out of the city treasury the following sum in full payment of their services; the mayor shall not be entitled to any compensation; the controller, recorder, marshal, city attorney, street commissioner, health officer, park commissioner, cemetery commissioner, harbor master, city engineer and other officers whose compensation is not herein otherwise provided for shall be entitled to receive respectively such sums as the common council may allow, and the marshal shall be entitled to receive the same fee for serving process in behalf of the corporation as constables are allowed for similar services; the treasurer, justices of the peace, and constables shall be allowed the same fees as are by law allowed to corresponding officers, unless in this act otherwise provided; the aldermen shall receive one dollar for each session of the common council which they shall attend, not exceeding twenty-five dollars each in any year, as compensation for their services, except when acting upon the board of registration and board of election, for which services they shall receive as follows: For services upon the board of registration, three dollars per day; and for services upon the board of election, five dollars for each election. Supervisors and persons other than aldermen serving on either of said boards shall receive the same pay as herein provided for aldermen. Clerks of election shall receive five dollars for each election. Gate keepers and

other officers of election whose compensation is not herein otherwise provided for shall receive three dollars for each election.

SEC. 3. The mayor shall be ex-officio a member of the board of fire and water commissioners of said city, but without compensation. The city treasurer shall hereafter be the treasurer of said board, and shall have the custody of its moneys, and shall receive out of the funds of the commission fees upon water rates coming to his hands not exceeding one per cent thereof and not exceeding the sum of one hundred and fifty dollars per annum.

Mayor ex-officio member of board of fire and water commissioners. Treasurer of board.

CHAPTER XIV.

SEC. 12. It shall in all cases be the duty of the owner and of the occupant of every lot or parcel of land in said city to keep the sidewalk in the street adjoining such lot or parcel of land in good repair, and also to remove and clear away all snow and ice and other obstructions from such sidewalk and keep the same in reasonably safe condition for travel; and such owners and occupants shall be jointly and severally liable in an action brought by the city for all damages and costs which the city may be compelled to pay to any person who may have suffered any injury to himself or property by reason of such sidewalks not being kept in good repair or in a reasonably safe condition for travel; and the amount recovered shall be a lien on such lot or parcel of land from the time of the filing with the register of deeds of the county of Marquette a notice of the filing of such claim or the commencement or pendency of such action against the city or of the recovery in any such action; which notice shall be filed and recorded by said register, and shall contain a description of the lots or parcels of land on which such lien is claimed, which lien shall take precedence of any conveyance, mortgage, levy or lien executed or made after the filing of such notice. Whenever an action shall have been maintained, and judgment recovered against said city by any person on account of damages sustained by reason of any defective sidewalk, or opening in the same occasioned by the wrong or negligence of the owner or occupant of the premises in front of which the sidewalk shall be, or on account of any excavation in the streets by any gas, hydraulic or railroad company, or by any other corporation, or by any person or persons, and such owner, occupant or company, or persons, shall have been reasonably notified to appear and defend said action; the judgment, if any, obtained against said city, shall be conclusive as to the amount of damages and the validity of the claim of the city against such owner, occupant or company, and of the amount of such lien on such premises in any proper form of action for the recovery thereof: *Provided*, That no person or corporation shall be liable to the

Sidewalk, who to clear of obstructions.

Who liable for damages.

Owners of property liable for damages in certain cases.

Provided.

city, as provided in this section, on account of failure to keep any sidewalk in repair or in a reasonably safe condition for travel unless such person or corporation or proper agent thereof shall have had knowledge or notice of the defect in or unsafe condition of the sidewalk occasioning such injury for which damages were recovered against the city, and such recovery shall be prima facie evidence of such knowledge.

Repealing
clause.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 26, 1899.

[No. 424.]

AN ACT to define the territory and boundaries of certain school districts in Huron county.

The People of the State of Michigan enact:

Township of
Colfax organ-
ized into school
district.

SECTION 1. That school district number six of Colfax township, Huron county, shall hereafter consist of the following described territory, to wit: Sections two, three, ten and eleven; the east half of sections four and nine; the east half of the east half of the southwest quarter of section four; the east half of the east half of the northwest quarter of section nine; the west half of the northeast quarter of section sixteen; the north half of section fifteen; the northeast quarter of section fourteen; the west half of the west half of the southwest quarter of section one, and the west half of the west half of section twelve; all in town sixteen north, range twelve east, Huron county, Michigan, and such additional territory as shall hereafter be admitted to such district by the board of school trustees thereof, when authorized by the board of school inspectors of said township of Colfax, to form and constitute a single independent school district, to be known and designated as "School District number six of Colfax township," and said district shall have all the powers and privileges conferred by general law, and hereafter all schools organized therein in pursuance of this act shall, under the direction of the school board, be public and free to all children, actual residents within the limits thereof, between the ages of five and twenty years, inclusive.

To be known as.

SEC. 2. Fractional school district number one of the townships of Verona, Colfax, Meade and Lincoln, Huron county, Michigan, shall hereafter consist of the following described territory, to wit: Sections five, six, seven and eight in Verona township; all of section one, except the west half of the west half of the southwest quarter, and the east three-quarters of

section twelve, in Colfax township; the east half of section thirty-six in Meade township; and the south half of section thirty-one in Lincoln township, all being in Huron county, Michigan, and such additional territory as shall hereafter be admitted to said district by the board of school trustees thereof, when authorized by the boards of school inspectors of said townships of Verona, Colfax, Meade and Lincoln, to form and constitute a single independent school district, to be known and designated as "Fractional School District number one of the townships of Verona, Colfax, Meade and Lincoln," and said district shall have all the powers and privileges conferred by general law, and hereafter all the schools organized therein in pursuance of this act, under the direction of the school board, shall be public and free to all children, actual residents within the limits thereof, between the ages of five and twenty years, inclusive.

SEC. 3. The east half of the west half, and the west half of the southwest quarter, of section thirty-six in the township of Meade, Huron county, Michigan, shall hereafter be and constitute a part of school district number three of said Meade township.

This act is ordered to take immediate effect.

Approved May 26, 1899.

[No. 425.]

AN ACT to amend section thirteen of Act number four hundred seventy-nine of the Session Laws of eighteen hundred seventy-one, entitled "An Act to Establish a Police Government for the City of Detroit," and the acts amendatory thereof.

The People of the State of Michigan enact:

SECTION 1. That section thirteen "of act number four hundred seventy-nine of the session laws eighteen hundred seventy-one," entitled "An act to establish a police government for the city of Detroit," and the acts amendatory thereof, be, and the same is hereby amended so as to read as follows: Section amended.

SEC. 13. The superintendent or deputy superintendent, or any member of such police force, having just cause to suspect that any felony is being, or is about to be committed within any building, public or private, or on any wharf or enclosure or aboard of any ship, boat or vessel within said city of Detroit, may enter the same at all hours of the day or night, to take all necessary measures for the effectual prevention of all felonies, and may take then and there into custody all persons being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just

cause to suspect have been stolen. The members of such police force shall also serve and execute all process and subpoenas issued in the recorder's court and the police court of said city: *Provided*, That it shall be the duty of said board of metropolitan police to cause to be brought before one of the police justices of the city of Detroit, at the police court in said city, every person arrested by any of the members of said police force on suspicion of felony or for any other cause, within thirty-six hours after such arrest, and such justice on hearing the grounds of such charge, may, by written order, remand such person to the custody of said police force, for the period of twenty-four hours, and from time to time thereafter, at intervals of twenty-four hours: *Provided however*, That no such person shall be actually detained in prison more than ten days by such order: *And provided further*, That if such person shall furnish a bond in such amount and with such sureties as such police justice may order, conditioned that such suspected person shall appear in said police court, on a day named, and from day to day thereafter as such police justice may order, to answer to any charge that may be preferred against him or her; then, on the furnishing of such bond, such suspected person shall be discharged from custody.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 426.]

Sections
amended.

AN ACT to amend section thirteen of Chapter four, section eight of Chapter eight, Chapter ten by adding a new section thereto to stand as section five; section two of Chapter eleven, sections six, eleven, subdivision twenty-six and subdivision thirty-first of section twenty-four and section thirty-one of Chapter sixteen; section one of Chapter twenty-one, sections one, two, three, five, seven, eight, nine, twelve, fifteen, seventeen, eighteen, nineteen, twenty-three, twenty-four and thirty-eight of Chapter twenty-two; and to add six new sections to Chapter twenty-two to stand as sections fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine and sixty of act number four hundred and seventy-five of the Local Acts of eighteen hundred and ninety-seven, entitled "An Act to Reincorporate the City of Kalamazoo, and to repeal an Act, entitled 'An Act to Incorporate the City of Kalamazoo,' and to repeal an Act, entitled 'An Act to Reincorporate the Village of Kalamazoo,' and to repeal all inconsistent acts and parts of acts, approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, approved June eighth, eighteen hundred and eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts," approved June second, eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section thirteen of chapter four, section New sections. eight of chapter eight, chapter ten by adding a new section thereto to stand as section five; section two of chapter eleven; sections six, eleven, subdivision twenty-six and subdivision thirty-first of section twenty-four and section thirty-one of chapter sixteen; section one of chapter twenty-one, sections one, two, three, five, seven, eight, nine, twelve, fifteen, seventeen, eighteen, nineteen, twenty-three, twenty-four and thirty-eight of chapter twenty-two; and chapter twenty-two by adding six new sections thereto to stand as sections fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine and sixty, of act number four hundred and seventy-five of the local acts of eighteen hundred and ninety-seven, entitled "An act to reincorporate the city of Kalamazoo and to repeal an act, entitled 'An act to incorporate the city of Kalamazoo,' and to repeal an act, entitled 'An act to reincorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts, approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, approved June eighth, eighteen hundred and eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts,'" be and the same is hereby amended so as to read as follows:

CHAPTER IV.

ELECTIONS.

SEC. 13. The judges and inspectors of the first election Returns of election. herein provided for, shall make return of such election to the city council of the city of Kalamazoo as heretofore constituted in the same manner as judges and inspectors of subsequent elections are required to make returns to the city council, and said city council and the city clerk shall perform the same duties in relation thereto as are provided in this act to be performed by the city council and the city clerk in relation to subsequent elections. The aldermen of each ward, and such other persons as may be designated by the city council, shall constitute the board of registration of such ward. Vacancies occurring during the sessions of such boards of registration shall be filled by the remaining members.

CHAPTER VIII.

POWERS AND DUTIES OF CITY TREASURER AND WATER COMMISSIONERS.

Water commis-
sioner to collect
water taxes.

SEC. 8. The water commissioner shall collect all water taxes and assessments belonging and payable to the city. He shall be paid such salary by the city as the city council may by resolution fix, in full for all services and he shall within ten days after his appointment make and file with the city clerk a bond in the penal sum of twenty-five thousand dollars, with two or more sureties to be approved by the city council, conditioned for the faithful accounting for and proper payment of all moneys belonging to the city coming into his hands by virtue of his office, and for the faithful and lawful performance of all the duties of his office. He shall pay over to the treasurer on the first day of every month all water taxes and assessments collected by him during the preceding month and take the treasurer's receipt therefor, and such receipt shall be a sufficient voucher to him for the moneys so collected.

CHAPTER X.

CITY ASSESSOR.

Powers and
duties.

SEC. 5. For all the purposes under the laws of this State except as herein otherwise provided, said city assessor shall exercise the same powers, and perform the same duties for all purposes as the supervisors of the townships.

CHAPTER XI.

ALDERMEN.

Certain alder-
men to be mem-
bers of board of
supervisors.

Certificate of
election, when e
filed.

SEC. 2. The aldermen of the several wards whose terms of office shall soonest expire shall represent their several wards upon the board of supervisors of the county of Kalamazoo, and perform all duties pertaining to supervisors of the townships upon said board, and shall have all rights, privileges and powers of members of such board of supervisors. A certificate of the city clerk under the seal of the said city certifying to the election of such aldermen to be filed with the county clerk, shall be sufficient to entitle such aldermen to membership upon said board of supervisors.

CHAPTER XVI.

POWERS AND DUTIES OF CITY COUNCIL.

SEC. 6. The city council shall hold stated meetings as often as one in each week, and may hold special meetings as often as necessary. The time of holding meetings shall be fixed and determined by said council, and if any stated meetings shall fall on a legal holiday, such meeting by reason thereof and without further action by said council shall stand adjourned until the next succeeding day upon which the same can be legally held.

General powers
and duties of
council.

SEC. 11. Each and every act of the city council had and taken before the passage of this act in relation to borrowing money for the use of said city, is hereby declared to be lawful, and all the indebtedness existing and outstanding against said city by reason of any act had and taken by said city council before the passage of this act, incurred for materials purchased or moneys borrowed, together with all obligations given therefor, is hereby declared to be lawful, and the same shall constitute lawful and just claims against said city, and said city council shall out of the moneys raised by the annual tax levy, cause to be paid annually hereafter upon the present existing unsecured indebtedness of said city at least thirty thousand dollars, and in addition thereto annually, all interest due upon said indebtedness, until the whole of the present existing unsecured indebtedness of said city shall be fully paid. And from and after the passage of this act the city council shall have power to borrow money and incur indebtedness for necessary expenses and for public improvements to be made in said city: *Provided*, That the total indebtedness created by said city council in any year shall not exceed the amount of the tax levies for that year: *And provided further*, That any such indebtedness shall be paid from the tax levies for that year: *And provided further*, That said city council shall have power to borrow additional moneys for the purpose of renewing or replacing any loans outstanding against said city at the date of the passage of this act, under the foregoing provisions of this section: *Provided further*, That nothing herein contained shall prevent the city council from entering into contracts relating to city lighting and other public necessities covering a period of not exceeding ten years; the indebtedness created by any such contract shall not be deemed an indebtedness for any one year, except to the extent of the annual payments falling due in said year. The question of borrowing money may be submitted to the electors of said city at the annual election or at a special election called for that purpose by the city council, and in case a majority of the qualified electors voting at such election shall vote by ballot in favor of borrowing money, the city council shall have power to borrow money not exceeding the sum so voted, and to issue bonds for the amount so voted to extend for a term of years at a rate of

All indebted-
ness against
city to be
lawful.

Annual pay-
ments to be
made.

Council may
borrow money.

Proviso.

Question of
borrowing
money to be
submitted to
electors.

Sinking fund to be provided for payment of bonds.

interest to be fixed by the city council. In all cases of the issue of bonds, the city council shall provide by resolution for a sinking fund for the payment of such bonds and the interest thereon, and the moneys in said sinking fund shall be used for no other purpose than the payment of the principal and interest of such bonds.

SUBDIVISION XXVI.

Peddlers.

SEC. 24. To regulate and license hucksters, hawkers, peddlers, pawnbrokers, junk-dealers and dealers in second-hand goods, and hawking and peddling, and to regulate, tax and license the sales or peddling of goods, wares, merchandise, or any kind of property at wholesale, retail or by auction, or by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets, highways, alleys or in or upon any public grounds or buildings in said city; and also to regulate and license bill posting and distribution of advertising matter within the limits of said city, and to license, tax and regulate itinerant merchants, transient and temporary vendors of goods, chattels or merchandise.

SUBDIVISION XXXI.

Unsafe buildings.

License plumbers, etc.

Appointment of.

To prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations in relation to buildings deemed unsafe; to regulate, supervise and inspect all plumbing, gas-fitting, drainage, pipes and connections in, or connected with any public or private building. To license and regulate plumbers, gas-fitters and sewer and drain builders under such restrictions and conditions as the city council may prescribe. To appoint an inspector of plumbing, gas-fitting and drainage and prescribe his duties, term of office and compensation; to provide and regulate the duties of the board of building inspectors in addition to the powers given by the general laws of the State and not inconsistent therewith; to regulate and compel the covering of mill races; to regulate, improve, alter, widen or change the channel of Arcadia brook and other streams flowing through said city on making compensation to persons whose property may be taken for such purposes.

When council to grant franchise.

SEC. 31. The council shall not grant any franchise until the party or parties asking for the same shall advertise the terms of the grant asked for in two newspapers published in said city, once in each week for two weeks previous to the time such grant shall be considered by the city council. After any ordinance granting a franchise shall have been introduced into the city council it shall be referred to the proper committee or committees and shall not thereafter be passed or voted upon by said council until such committee or committees shall have

reported thereon and such ordinance as reported shall have been published in two newspapers, published in said city, once in each week for two successive weeks. The party asking for such franchise shall pay the expenses of advertising. Every franchise granted by the city council shall contain a provision that for any violation of the same by any person, co-partnership, association or corporation, to whom such franchise is granted, his, their or its successors or assigns, the city council may declare the same forfeited and repeal and revoke all rights and privileges thereby granted. The council shall not dispose of any real estate belonging to the city until such proposed disposal shall have been advertised as above, either by the city or other party interested.

When council may dispose of real estate.

CHAPTER XXI.

FINANCE AND TAXATION.

SECTION 1. The city council shall have power to raise annually by taxation upon the real and personal property in said city taxable under the constitution and laws of the State, such sums of money, not exceeding in any one year one and fifty-two one-hundredths per cent of the assessed value of such property as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers by this act granted. This amendment shall go into effect and apply to tax levies after the year eighteen hundred ninety-nine.

Power of council to raise money by tax.

CHAPTER XXII.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The city assessor shall in each year before the first meeting of the board of review assess the property in such city liable to taxation under the general tax laws of this State, now or hereafter in force. He shall prepare one general assessment roll for the city, upon which the names of the persons assessed shall be placed in alphabetical order. He may determine the general plan and style of the assessment and tax rolls subject to the approval of the city council. Such city assessor shall have and exercise the same powers and duties relating to the making of the assessment and tax rolls as are, or may be given to supervisors of the townships by the general tax laws of the State, and he shall be governed by such laws except as herein otherwise provided. After such assessment roll shall have been completed, the city assessor shall on the third Monday in May in each year or at such other time as the city council may by resolution direct, deliver the same to the

City assessor to make annual assessment.

May determine plan and style.

Roll to be delivered to board of review.

City of Kalamazoo to be equalized as a whole.

Board of review, of whom to consist.

Meeting.

Length of session.

Duties of.

When assessment not to be raised without notice.

Chairman of board.

Duties of clerk.

Oath.

board of review of said city. In the equalization of assessment rolls by the board of supervisors of Kalamazoo county, the city of Kalamazoo shall be equalized as a whole and not by wards. This section as amended shall not apply to the taxes to be assessed for the year eighteen hundred ninety-nine.

SEC. 2. The board of review of the said city shall consist of the city assessor and the aldermen from each ward whose term of office soonest expires. In case of the inability, for any reason, of such aldermen to act, then the other alderman from the same ward shall act in his place. Such board of review shall meet at the city council rooms, or at such other place as may be designated by the city council on the third Monday in May in each year or at such other time as the city council may by resolution fix, and continue in session from day to day at least six hours each day until the assessment roll shall have been fully and carefully reviewed, corrected and approved, which shall be on or before the Saturday following the fourth Monday in May in each year. Such board of review shall have power and it shall be its duty to examine and correct any assessment or valuation and to place on the assessment roll any taxable property, real or personal, not already assessed, which may be held or owned by any person or persons, and to strike from such roll any property, real or personal, wrongfully thereon. It shall also make such alteration in the names of the persons and in the description of the property as may be necessary to render the same conformable to this act and the requirements of the law of the State.

SEC. 3. After any person has appeared before said board of review, and the board have notified him of their determination; the valuation of any property assessed to such person shall not be raised above the amount so determined or other property added to such assessment roll as assessed to such person without personal notice to such person and an opportunity to be heard before said board of review, which notice shall be in writing signed by the city assessor and shall be served at least twenty-four hours before action taken by said board of review. A copy of such notice with an affidavit of the service endorsed thereon shall be filed with the clerk of the board of review and a minute entered in the record of the proceedings of the board of review that such notice was served.

SEC. 5. The city assessor shall be chairman of the board of review, but shall have no vote except in case of a tie. The city clerk or deputy city clerk shall be clerk thereof. It shall be the duty of such clerk to keep a record of all the proceedings of such board in a book provided for such purpose, to make entries of all resolutions and decisions of the board on all questions submitted to the board if required by any member present, and to file and preserve all petitions, affidavits and other written documents presented to the board. The board may examine on oath any person touching the matter of his or her assessment, and the chairman or any member of such

board may administer such oaths. No assessment shall be changed in any way except by a motion or resolution regularly put and adopted by a majority of the members of said board, which motion or resolution shall state the amount at which such assessment is fixed as reviewed by said board. Each day's proceedings of said board shall be read, approved by the board and signed by the chairman thereof and the decisions of the board shall be final. At or before the last session of said board of review the alderman from several wards, composing said board of review shall prepare lists of persons to serve as petit and grand jurors in accordance with the provisions of chapter two hundred sixty-three of Howell's Annotated Statutes, and shall prepare and file with the judge of the recorder's court for the city of Kalamazoo a list of twenty persons from each ward of said city to serve as jurors in said recorder's court for the ensuing year, which shall constitute the jury list for one year and until a new list shall be returned to said recorder's court.

Majority may change assessment.

Decision of board to be final.

Alderman to prepare list of jurors.

SEC. 7. Within ten days after the equalization of the assessment rolls by the board of supervisors of the county of Kalamazoo, the supervisor of the township of Kalamazoo shall certify to the city assessor the valuation of the taxable property of school district number one of the city and township of Kalamazoo, which lies outside of the city limits and within the township of Kalamazoo. The city assessor shall thereupon apportion the amount of the school taxes to be raised on the valuation so certified by the said township supervisor, which apportionment he shall forthwith certify to the township clerk of the said township. The amount of such school tax so apportioned to said township shall be levied upon the property taxable therefor, and collected as other township taxes, and when collected they shall be paid over to the officer entitled to receive the same.

Supervisor to certify valuations to assessor.

SEC. 8. When the city board of review shall have completed their review and correction of such assessment roll they shall add thereto their certificate of the fact, signed by at least a majority of said board, and the city assessor shall submit such assessment roll, so corrected and certified, to the city council, and the city council shall at the same, or an adjourned session thereof, or at a session called for that purpose, proceed to fully and finally confirm such assessment roll, and thereupon cause it, with a record of their action thereon, to be returned to the city assessor together with a certified copy of the annual appropriation bill passed by the city council for the then current year. The city assessor shall thereupon make a copy of such assessment roll to be known as the city tax roll and proceed to ratably levy thereon in dollars and cents the amount of all taxes authorized to be assessed and collected in such city, to each person named and property described upon such city tax roll showing in separate columns the amount of city taxes assessed to each person or to such property for the year and who shall also levy in the same roll upon lands, property and

Board to add certificate to roll when completed.

Assessment to be confirmed by council.

Copy of roll to be known as city tax roll.

When roll to be completed.

Roll to be delivered to city treasurer.

Warrant to be annexed to roll commanding treasurer to collect taxes.

Levy and sell property for taxes.

Proviso.

Collection fees to be credited to general fund.

Tax to be a charge against person until paid.

Assessor to levy taxes upon all taxable property.

persons chargeable therewith, all special assessments and sums reported to him as in this charter provided for assessment or reassessment upon such roll, placing all such taxes in columns of special assessments and when said roll has been completed, footed and balanced, which shall be on or before the first day of July, such assessor shall deliver such city tax roll to the city treasurer and take his receipt therefor. Before delivering said tax roll to the city treasurer said city assessor shall deliver to the city clerk a complete statement of the amount of the valuation of the real and personal property together with the several taxes levied thereon and also any special assessments or reassessments included therein. The city clerk shall make entry of the totals of all taxes assessed on the books in his office.

SEC. 9. Before delivering said tax roll to the city treasurer a warrant shall be issued and annexed to such tax roll signed by the city assessor and under the corporate seal of the city directed to the treasurer, commanding and authorizing him to collect from the persons named in said tax roll the tax or assessment therein set forth due from such persons and unpaid on said roll on the first Monday of October next ensuing, together with interest at the rate of one per cent per month from and after the fifteenth day of the preceding August, for the benefit of such city, together with the collection fee of three per cent and for such purpose, if necessary, to levy upon and sell the property of any person or persons named in said roll refusing or neglecting to pay the same wherever such personal property may be found within the limits of the county of Kalamazoo, which warrant shall be returnable on the first day of January next ensuing: *Provided*, That if at any time after receiving such tax roll and before the first day of October next ensuing, the city treasurer shall become apprehensive of the loss of any personal property tax on said roll, if the collection thereof be delayed until said first Monday in October, he may proceed to the immediate collection of such tax by distress and sale of the property of the person against whom such tax is assessed. All moneys received by the treasurer as collection fees and interest shall be paid into the city treasurer to the credit of the general fund.

SEC. 12. Every tax or assessment levied or imposed by the authority of the city council or of this act, except where otherwise provided, shall constitute a charge against the person to whom assessed from the date of the approval and confirmation of such assessment roll by the board of review and from such date every such tax or assessment shall become and remain until paid a lien upon the goods and chattels, lands and tenements against which the same is assessed.

SEC. 15. It shall be the duty of the city assessor to make a copy of such assessment roll as finally confirmed, upon which he shall at the time and in the manner provided by law for the levying of taxes in townships ratably levy upon all the tax-

able property in said city therein assessed, the amount necessary to be raised in such city for State, county and school taxes including the city's proportion of the amount of the school taxes certified by the district board of education of the school district number one of the city and township of Kalamazoo as apportioned by the city assessor. The levying of such taxes shall be in accordance with the provisions of law governing the levying of such taxes in townships except as herein otherwise provided. The city assessor shall also levy in the same roll upon lands, property and persons chargeable therewith all reassessments for State, county and school purposes.

Taxes levied
the same as in
townships.

SEC. 17. The city assessor upon completing such roll and after attaching such warrant thereto, shall on the first day of December, deliver the same to the city treasurer and take his receipt therefor and charge him therewith, and shall make a statement of the totals of all valuations and taxes assessed thereon and deliver the same to the city clerk, who shall make entry thereof on the books in his office. The city treasurer shall give a bond to the county treasurer in the same manner as township treasurers are required to do.

Roll when
completed to
be given to
treasurer.

Bond.

SEC. 18. The city treasurer shall forthwith upon receipt of said tax roll give notice by publishing for three successive days in one or more newspapers circulated in such city, that such tax roll has been delivered to him and that the taxes therein levied can be paid to him at his office at any time before the tenth day of January then next ensuing, without any charge for collection and that four per cent collection fees will be charged and collected upon all taxes remaining unpaid on said tenth day of January. It shall be the duty of the treasurer to remit the collection fees upon all taxes paid to him before the tenth day of January, but in all other cases he shall collect both the taxes and percentage for collection. All such percentage for fees collected by him shall be paid into the city treasury to be credited to the general fund.

Notice to be
given by
treasurer.

Fee for collec-
tion after
certain date.

SEC. 19. For the collection of all taxes remaining unpaid on the tenth day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the taxes by any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county, and it shall not be necessary for such treasurer before levying such tax by distress, to give any further or other notice than the notice by publication hereinbefore provided for: *Provided*, That if at any time after receiving such tax roll and before the tenth day of January next ensuing the city treasurer shall become apprehensive of the loss of any personal property tax on said tax roll if the collection thereof be delayed until the said tenth of January, he may proceed to enforce its collection at any time, and

Treasurer,
powers and
duties.

Proviso.

if compelled to seize property or to bring suit in December he may add four per cent for collection fees.

Provisions relative to delinquent taxes.

SEC. 23. If the city treasurer shall be unable to collect any of the taxes on his tax roll assessed for State, county or school purposes or assessed under the provisions of any State law other than the provisions of the charter of the city of Kalamazoo, he shall make return thereof to the county treasurer and all provisions of law of the State for collection of delinquent taxes and sale of lands for the payment of the taxes levied for State, county and school purposes and returned delinquent to the county treasurer shall apply to the collection, return and sale of property for the non-payment of delinquent taxes levied in said city for the purposes aforesaid.

Lands may be disposed of for delinquent taxes.

SEC. 24. All lands, which may have been, or may hereafter, be returned by the city treasurer to the city clerk as delinquent for taxes and assessments levied for all city purposes under the charter and ordinances of the city, either by general or special assessment, and upon which any taxes or assessments are now or shall hereafter remain unpaid for the period of one year or more, shall be subject to disposition, sale and redemption for the enforcement and collection thereof in manner as herein provided. In the sale and disposition of such lands, the city of Kalamazoo shall be deemed to have a valid lien upon such lands with all rights to enforce the same as a preferred or as a first claim upon such lands and the right to enforce such lien shall be held and construed by all the courts of this State as the prima facie right of the city of Kalamazoo, and shall not be set aside or annulled except in the manner and for the causes herein specified: *Provided*, That this amendment shall not be construed to impair any right existing or accruing before this act takes effect, or affect any proceeding pending or hereafter instituted to enforce the payment or collection of tax levies heretofore made and returned as delinquent.

City to have first claim on.

Tax held illegal, when.

SEC. 38. In any suit or proceeding to enforce or set aside any tax or assessment, such tax or assessment shall be held illegal only for the following reasons:

No law authorizing. Persons have no jurisdiction.

First, That no law authorizes such tax or assessment;
Second, That the person or persons appointed to decide whether a tax or assessment shall be raised under a given law, have acted without jurisdiction, or have not imposed the tax or assessment in question;

Exempt.

Third, That the person or property assessed was exempt from the taxation in question or was not legally assessed;

Tax has been paid fraudulent actions.

Fourth, That the tax or assessment has been paid;
Fifth, That the supervisor, assessor or board of review in assessing a person or property for taxation, or in the apportionment of the tax or assessment to the person or property in question acted fraudulently. If any such illegality, omission or fraud affects the amount of one tax or assessment only, the tax or assessment shall be sustained so far as the same is legal and just.

SEC. 55. To prevent the escape of property from taxation, it shall be within the power of the city council at any regular meeting thereof between the first day of June and the first day of February following, to order and direct the city assessor to make and return thereto, at its next regular meeting, an extra and special assessment roll of any property named in said order: *Provided*, That except in cases of gross and manifest error, no property included in any tax roll of any municipality or township in this State, nor any property or goods accumulated or building erected between times of making the regular annual assessments of property shall be subject to taxation under this provision. Special assessment roll.

SEC. 56. Pursuant to the order of the city council it shall be the duty of the city assessor to make such special assessment roll, estimating the value of the property therein described as its true cash value, and certifying thereto as in making ordinary assessments; and he shall notify in writing the owner or owners, or person or persons in control of such property, of the amount of valuation thereof, and of the time and place of the meeting of the council to sit as a board of review, as hereinafter provided, and he shall so certify in his roll, and return the same complete to the city council at the next regular meeting. Assessor shall make.

Notice of meeting of board of review.

SEC. 57. It shall be the duty of any person or persons, owning or controlling property subject to taxation under the provisions hereof, to give the assessing officers all such necessary information, and make such statements under oath in relation to the value and the ownership thereof, as is prescribed by law to be furnished by taxable persons to assessors in making their annual assessments; and for any failure or neglect thereof, any offender shall be subject to the same punishments and penalties as are or may be prescribed by the charter of this city and the statutes of this State. Information relative to taxation.

SEC. 58. For the purpose of hearing appeals or objections to an assessment roll made under the provisions hereof, the city council shall sit as a board of review, beginning at eight o'clock p. m., on the day of the second regular meeting after such special assessment roll was ordered; and it shall be the duty of the city treasurer, on the order of the city council, to be present and have the regular current assessment roll of the city, and said assessment roll shall be subject to inspection by any person interested; and the council shall thereupon compare the valuation, or valuations in the special roll with those in the aforesaid assessment roll, and may alter, amend, abate, annul, or confirm, in whole or in part, the same after hearing all appeals or objections which may be offered by any party, or parties interested, whereupon the mayor shall be instructed to certify to such confirmation and equalization of the valuations in said special assessment rolls, as the city council shall direct, and the act of the council shall have the same force and effect as to the action of boards of review of regular annual assessment rolls under the laws of this city and the State. Appeals or objections.

Assessor to
prepare special
tax roll.

Warrant to be
attached.

Tax to be a
charge against
person.

Proviso.

When treasurer
to collect.

SEC. 59. Upon the ratification and equalization of any special assessment roll, as aforesaid, it shall be the duty of the city assessor, within forty-eight hours, to prepare a special tax roll, upon which he shall ratably levy in dollars and cents against each and every such separate valuation the same amounts and kinds of city, State, county, school or other taxes as are carried out against property of like situation and valuation in the regular current tax rolls. The city assessor shall attach to such special tax roll a warrant in like form as is required to be attached to regular assessment rolls for State, county and school taxes as near as may be, authorizing and commanding the city treasurer to collect such taxes or assessments within a like period and under like penalties after receiving such tax roll as is provided for the collection of taxes levied in the regular tax roll for State, county and school taxes, and shall deliver the same to the city treasurer, and shall deliver a statement, as herein provided for other taxes, of the several amounts thereof to the city clerk, who shall enter the same on the books of his office. All such taxes shall constitute a charge against the person to whom assessed and become and remain a lien upon the property against which the same are assessed from the date of the ratification and equalization of such special assessment roll: *Provided*, That if any such special assessment roll shall be ratified and equalized before the delivery of either of the regular tax rolls to the city treasurer, the taxes belonging to the classes contained in such regular assessment roll shall be levied and spread therein.

SEC. 60. The city treasurer shall collect such taxes within the life of the warrant attached to such special tax roll, and if he be apprehensive of the loss of the same he may proceed summarily as herein provided for the collection of State, county and school taxes of the loss of which he is apprehensive.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 427.]

AN ACT to amend act number two hundred and seventy-one of the local acts of eighteen hundred and ninety-three, entitled "An act to reincorporate the city of Holland," approved March eight, eighteen hundred ninety-three, by repealing sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of title fourteen, and section five of title fifteen of said act; by amending the whole of title twenty-six of said act and adding twenty-three new sections thereto; by adding several other new sections to said act, to stand as section six of title two, sections seven, eight, nine and ten of title seven, sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen of title thirteen, and section eighteen of title sixteen; and by amending section one of title two, section six of title three, sections three and four of title four, sections five, seven and eight of title six, sections one, five and six of title seven, section six of title twelve, sections three and four of title thirteen, sections one, two, three and four of title fifteen, sections seven, eight and twelve of title sixteen, section one of title twenty-four, sections three and four of title twenty-five, section nineteen of title twenty-seven, and sections twelve and twenty-five of title twenty-eight of said act.

The People of the State of Michigan enact:

SECTION 1. That act number two hundred and seventy-one of the local acts of eighteen hundred and ninety-three, entitled "An act to reincorporate the city of Holland," approved March eight, eighteen hundred ninety-three, be and the same is hereby amended by repealing sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of title fourteen, and section five of title fifteen of said act; that the whole of title twenty-six of said act be and the same is hereby amended and twenty-three new sections added thereto; that several other new sections be and the same are hereby added to said act, to stand as section six of title two, sections seven, eight, nine and ten of title seven, sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen of title thirteen, and section eighteen of title sixteen; and also that section one of title two of said act, section six of title three, sections three and four of title four, sections five, seven and eight of title six, sections one, five and six of title seven, section six of title twelve, sections three and four of title thirteen, sections one, two, three and four of title fifteen, sections seven, eight and twelve of title sixteen, section one of title twenty-four, sections three and four of title twenty-five, section nineteen of title twenty-

Act amended.

seven, and sections twelve and twenty-five of title twenty-eight of said act be and the same are hereby amended, said amended title and said new and amended sections to read as follows:

TITLE II.

REGISTRATION.

Residence of voters.

SECTION 1. Every elector of said city shall vote in the ward where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals.

When board to make registration.

SEC. 6. The boards of registration of the city, at their sessions previous to the general election in November, in the year one thousand nine hundred, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed

What rules to be observed.

in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year nineteen

Former registry to be used.

hundred and eight and every eighth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Notice, how given.

TITLE III.

ELECTIONS.

Opening and closing of polls.

SEC. 6. On the day of elections held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at seven o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls one hour, thirty minutes and fifteen minutes, respectively, before the closing thereof.

TITLE IV.

OFFICERS.

SEC. 3. The following officers shall be appointed by the council, viz.: A city attorney, city surveyor, street commissioner, city physician, health officer and engineer of the fire department and members of the board of public works. The council may also, from time to time, provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Appointive officers.

Other appointive officers.

SEC. 4. All appointments to office by the council, except appointments to fill vacancies, and unless otherwise provided in this act, shall be made on the first Monday in May in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council. All such appointments shall be by the vote of a majority of all the aldermen elected to office, except in case of a tie, when the mayor shall have the deciding vote.

When to be made.

TITLE VI.

COMMON COUNCIL.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote, unless excused therefrom by a vote of two-thirds of all the aldermen present.

Duty of aldermen.

SEC. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein sold or disposed of, or private property taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect. Nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of

Sessions to be public.
Quorum.

Two-thirds vote in certain cases.

Appropriations.

all the aldermen elected to office, except in case of a tie, when the mayor shall have the casting vote.

Rules, etc.

Voting.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays, when required by any one or more members, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within ten days after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

TITLE VII.

GENERAL POWERS OF THE CORPORATION.

General powers of corporation.

SECTION 1. The city of Holland, in addition to such other powers as are conferred by this act, shall have the following general powers and authority, and the common council of said city may enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations in relation thereto, and for the exercise of the same, as they may deem desirable, viz.:

To restrain vice and immorality.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance of the public peace, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

To preserve peace.

To punish disorderly conduct.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

To prevent injury and to punish, etc.

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same, and generally to determine and declare what shall be deemed nuisances;

To prohibit disorderly houses.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

License.

Fifth, To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables and ball alleys, and to punish the keepers thereof;

Sixth, To prohibit and suppress every species of gaming and gambling, and to authorize the seizure and destruction of all instruments and devices used for the purposes of gaming or gambling; **Prohibit gaming.**

Seventh, To prohibit and suppress ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe; **Disorderly houses.**

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors, and to punish any person so doing; **Spirituous liquors.**

Ninth. To regulate, restrain, prohibit or license all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received, lectures on historic, literary, religious or scientific subjects excepted; **Sports, exhibitions, etc.**

Tenth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled at any time for any lawful purpose; and to require all places of business to be closed on the Sabbath day; **Violations of Sabbath day.**

Eleventh, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sales of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue; **Auctioneers, etc.**

Twelfth, To license hawkers, peddlers and pawnbrokers and hawking and peddling; and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks, or from boats, open places or spaces, public grounds, or buildings in the city; **Hawkers and peddlers, etc.**

Thirteenth, To license and regulate wharf boats within the jurisdiction of the city; **Wharf boats.**

Fourteenth, To regulate and license all taverns, hotels, and houses of public entertainment; all saloons, restaurants and eating houses, and all places where tobacco, cigars and any beverages are kept for sale; and to prescribe, regulate, restrict and designate the location thereof; **Hotels, etc.**

- Transportation of persons.** Fifteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city, and regulate and fix their stands on the streets and public places, and at wharves, boat landings, railroad station grounds and other places;
- Inspection of coal, hay, etc.** Sixteenth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise;
- Weights and measures.** Seventeenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures;
- To provide for the sprinkling of streets.** Eighteenth, To provide for the sprinkling of the streets, and to pay for the same in whole or in part from the general fund or from the several street district funds;
- Proper weights.** Nineteenth, To enforce the keeping and use of proper weights and measures by buyers and venders;
- Vaults, etc.** Twentieth, To regulate the construction, repair and use of all vaults, cisterns, areas, hydrants, pumps, sewers and gutters;
- Obscene books, etc.** Twenty-first, To prohibit and prevent, in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;
- Bathing.** Twenty-second, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city;
- To clear rivers, etc.** Twenty-third, To provide for clearing the rivers, ponds, waters and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;
- Slaughter houses, etc.** Twenty-fourth, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house or rendering place, stable, barn, privy, sewer, hog pen or other offensive, nauseous or unwholesome structure, place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city;
- Drainage, etc.** Twenty-fifth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;
- Fraudulent games, etc.** Twenty-sixth, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the maintenance, management or practice thereof;

Twenty-seventh, To prohibit, prevent and suppress all lot- Lotteries.
teries for the drawing or disposing of money or any other prop-
erty whatsoever, and to punish all persons maintaining, direct-
ing or managing the same or aiding in the maintenance, direct-
ing or managing the same;

Twenty-eighth, To license and regulate solicitors for passen- Solicitors for
gers or for baggage to and from any hotel, tavern, public passengers.
house, boat or railroad; and to provide the places where they
may be admitted to solicit or receive patronage; also dray-
men, carmen, truckmen, porters, runners, drivers of cabs, hack-
ney coaches, omnibuses, carriages, sleighs, express vehicles and
vehicles of every other description, used and employed for hire,
and to fix and regulate the amounts and rates of their compen-
sation;

Twenty-ninth, To provide for the protection and care of Paupers.
paupers and poor persons in the city, and to prohibit and pre-
vent all persons from bringing to the city, from any other
place, any pauper or other person likely to become a charge
upon the city, and to punish therefor;

Thirtieth, To provide for taking a census of the inhabitants Census taking.
of the city, whenever the council shall see fit; and to direct and
regulate the same;

Thirty-first, To regulate the keeping, storing, selling and Care of explo-
using of gunpowder, firecrackers and fireworks, kerosene or sives and
other combustible oils and materials, and the exhibition of fire- combustible
works, and the discharge of firearms, and to regulate and pro- materials.
hibit the making and the lighting of fires in the streets or other
open spaces in the city; and to regulate the use of lights in
barns, stables and other buildings;

Thirty-second, To appoint, license and regulate scavengers Chimney
and chimney sweeps, fix their fees and compensation and pre- sweeps.
scribe their rights and duties;

Thirty-third, To provide for and regulate the inspection and Inspection of
sale of meats, poultry, fish, butter, cheese, lard, vegetables, meats, etc.
flour, meal and other provisions, and to establish and regulate
markets and market places; to prescribe the times for opening
and closing the same, the kind and description of articles which
may be sold, and the stands and places to be occupied by the
venders; and to adopt and enforce all such rules and regula-
tions as may be necessary to prevent fraud and to preserve
order in the markets; and to authorize and direct the im-
mediate seizure, arrest and removal from the market of any
person violating its regulations, together with any articles in
his or their possession, and to authorize the seizure and de- Penalty for
struction of tainted or unsound meats or vegetables or other violation.
provisions exposed for sale therein, or anywhere else in the
city;

Thirty-fourth, To provide for the issuing of licenses to the Dogs.
owners and keepers of dogs, and to compel the owners and
keepers thereof to pay for and obtain such licenses, and to
regulate and prevent the running at large of dogs, to require

them to be muzzled, and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;

Dead carcases. Thirty-fifth, To prohibit any person from bringing or depositing within the limits of the city any dead carcases or other unwholesome or offensive substances, and to require the removal and destruction thereof; and if any person shall have on his premises such substances or any putrid meats, fish, hides and skins of any kind, to remove or destroy the same, and on his default, to authorize the removal and destruction thereof as a public nuisance by some officer of the city;

Ringling of bells. Thirty-sixth, To regulate the ringing of bells and the crying of goods and other commodities at sale at auction, and to prevent disturbing noises in the streets, sidewalks and other public places in the city;

Buildings. Thirty-seventh, To regulate and establish the line upon which buildings may be erected on any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner, builder or workman violating this provision; and to prevent the erection and provide for the removal of all buildings deemed unsafe;

Fine. Thirty-eighth, To prevent and punish horse racing and immoderate driving or riding in any street; lane, park or alley, or over or across any bridge in the city, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in said city; and to prevent any person from riding or driving upon or across any sidewalk;

Markets. Thirty-ninth, To regulate the vending of hay, wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, or the knowingly keeping or offering the same for sale; and to authorize the seizure and destruction of tainted or unsound meats, vegetables, fruit, fish and other provisions exposed for sale: *Provided*, Nothing herein contained shall authorize the council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the city;

Buildings to be numbered. Fortieth, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;

Lighting of streets. Forty-first, To provide for and regulate the lighting of the streets, alleys and public buildings and places and regulate the setting of lamps and lamp-posts, and provide for the protection and safety of the same; and to regulate the placing and using of all street railway, telegraph, telephone and electric light posts, poles and wires;

Removal of fences, etc. Forty-second, To require the owner or occupant of any building, fence or structure that may be ruinous or liable to fall and

injure persons or property, to pull down or remove the same, and to authorize the same to be done by the officers of the city at the expense of the owner thereof;

Forth-third, To sell or otherwise provide for disposing of all dirt, filth, manure and debris, lying in or gathering from the highways, streets, avenues, lanes, alleys or public places; and of all earth to be removed therefrom or from the public squares and grounds of the city, in grading, paving or otherwise improving the same;

Forty-fourth, To provide grounds and places, either within or without the city, on which to deposit the rubbish, garbage and refuse material in and about the city, and to require the owners and occupants of any lot, building or premises in the city to remove therefrom any and all rubbish, garbage and refuse material found thereon or therein, and to deposit the same on such grounds;

Forty-fifth, To control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation of and prevention of wilful injury to gutters in said highways, streets, lanes and alleys;

Forty-sixth, To prevent, control and regulate the exhibition of signs on canvass or otherwise in and upon any vehicle standing or traveling upon the streets of the city;

Forty-seventh, To prohibit all practice, amusements and doings in said streets having a tendency to frighten teams or horses or endanger life or property;

Forty-eighth, To prohibit and punish the use of toy pistols, sling-shots and other dangerous toys or implements within the city;

Forty-ninth, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held;

Fiftieth, To regulate the placing and provide for the preservation of horse or hitching posts;

Fifty-first, To provide for the care, custody and preservation of the public property of the city;

Fifty-second, To provide for, establish, regulate and preserve all such public fountains and reservoirs within the city as, in the opinion of the council, the convenience of the inhabitants may require; and also all such troughs and basins for watering animals as they may deem proper;

Fifty-third, To license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: *Provided*, Such goods or merchandise have been assessed for taxes for said fiscal year;

Additional
power of
council.

Fifty-fourth, And the council shall have further authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; and to provide means for paying its liabilities and defraying the contingent expenses of the city, subject only to the limitations and restrictions in this act contained; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Idem as to
railroads, etc.

SEC. 5. The council shall have authority to permit any railroad company or street railway company to lay its track, and operate its road with steam, electric or other power, in or across the streets, highways and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: *Provided*, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years.

Proviso.

May change
location, etc., of
street crossings.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad tracks, to conform to street grades which are or may be established by the city from time to time; and to compel any railroad company or street railway company to construct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require, and to keep them in repair: also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railways cars within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five nor more than fifty dollars upon the company, and to punish any engineer, motorman or conductor violating any ordinance regulating the speed of trains, by a fine of not less than five nor more than fifty dollars and costs of prosecution, and in default of the payment thereof, to imprison the offender not less than ten nor more than sixty days.

May require
flagman.

Limit of speed.

SEC. 7. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.

Council may compel railroad company to keep open ditches, drains, etc.

SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences, by the owners and occupants of adjoining lots, enclosures and parcels of land in the city; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the city.

Council to enact certain ordinances.

May appoint fence viewers.

SEC. 9. The council may make such provision as they shall deem expedient for the support and relief of paupers and poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of one or more directors of the poor for the city, and may prescribe their duties, and vest them with such authority as may be proper for the due exercise of their duties.

May make provisions for the support of paupers.

SEC. 10. The council is authorized and empowered to receive and accept such gifts, donations, bequests and legacies as they may deem to be for the good of the municipality or the inhabitants thereof.

May receive gifts, donations, etc.

TITLE XII.

PUBLIC LIBRARY.

SEC. 6. All moneys raised or received for the public library, and the maintenance thereof, shall be placed into the city treasury, and constitute a general fund, to be denominated the "library fund." Said fund shall not be devoted or applied to any other purpose except the purposes of such library. The common council may annually appropriate and raise by tax for said fund such sums, within the limitations

Library fund.

To be raised by tax.

prescribed in this act, as they shall deem necessary. All moneys received into the city treasury from fines, penalties and forfeitures, including such moneys as are annually apportioned by the county treasurer under the provisions of section five thousand one hundred and forty-six of Howell's Annotated Statutes, shall be placed to the credit of said library fund.

TITLE XIII.

BOARD OF PUBLIC WORKS.

Board of public works, duties of.

SEC. 3. The said board of public works, subject to the direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities:

First, The construction, management, supervision and control of such water works as are or shall be owned by the city;

Second, The construction, management, supervision and control of such electric or other lighting plants and gas works, for the generating and furnishing of light, heat and motive power to the city and to the inhabitants thereof, as are or shall be owned by the city;

Third, The management and supervision of the sewers, sewerage system and drainage of the city and the construction thereof;

Fourth, The construction, maintenance and supervision of the apparatus of the fire alarm system of the city;

Fifth, Such other public improvements or works as the common council may, by ordinance, place under their management, supervision and control.

Power of.

SEC. 4. The said board shall have power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the transaction of their business not inconsistent with the ordinances of the city or the provisions of this act.

Duty of board relative to construction and repair public works.

SEC. 5. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works shall not exceed the sum of five hundred dollars, the work shall be done by the board in such manner as they may deem proper; but whenever such expense shall exceed the sum of five hundred dollars, then the said board shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval, and when so approved the board shall, subject to the approval of the council, cause such work to be done by contract or otherwise, in such manner as they may deem proper: *Provided*, That if the expense shall exceed the sum of one thousand dollars, the board shall advertise for sealed proposals, and shall give such notice as the council may direct, and shall let the contract to the lowest responsible bidder who shall be deemed competent to do the work and give adequate security for the performance thereof, which contract and security shall be approved by the council.

Proviso.

SEC. 6. All work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have ordered the same paid by warrant drawn on the city treasurer, and all claims or accounts against the city that in any manner relate to the works in charge of the board or that have been incurred by the board shall first be submitted to and approved by the board of public works before the council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the council on the third Monday in April of each year, which report shall embrace an itemized statement of the revenues and the expenditures relating to or connected with each of the works under their control, keeping a separate account of each fund, and a statement of the condition, progress and operation of said works. They shall also make such other reports and furnish such other information to the council as that body shall by resolution or ordinance provide.

Report to
council.

SEC. 7. On or before the first Monday of September in each year, the board of public works shall submit to the common council careful estimates in detail of the amount of money which, according to the judgment of the board, will be needed for the water fund, the electric fund, the gas fund, the fire alarm fund, and the sewer funds during the ensuing year, which estimates may be increased, modified or adopted by the common council as in its judgment may seem justifiable.

When to submit
estimates to
council.

SEC. 8. The board, subject to the approval of the council, shall annually, on or before the fifteenth day of June, fix and assess all rates to be paid for having and using water, electricity or gas from said works for the year next ensuing the first day of July following; said rates shall be based, as near as may be, upon the amount of water, electricity or gas consumed and used by the owner or occupant of each house, building or lot using the same. Such rates shall, from and after such first day of July in each year, be a continuing lien until paid, upon the lots and premises on which the water, electricity or gas is used, and they shall also be a charge against the person to whom assessed, until paid.

When to fix and
assess water
rates, etc.

Rates a lien.

SEC. 9. The owner or occupant of the lot or premises against which any such rates shall be assessed shall pay the same to the city marshal as follows: The water rates half yearly in advance, on the first days of July and January in each year, except where the rate is otherwise fixed by contract, and the rates for electricity and gas on the fifth day of each month for the amount used during the preceding month, and in case of any default in such payment the water, electricity or gas, as the case may be, shall be shut off from such premises, in the discretion of the board. The board may also collect such delinquent rates by a suit at law before any court of competent jurisdiction, said suit to be brought in the name of the city of Holland: *Provided*, That any attempt to collect

Rates, who to
pay.

When to be
paid.

Delinquent
rates, how col-
lected.

such rates by any process herein provided shall not invalidate the lien upon said lot or premises. All delinquent rates shall be collected and paid with interest at the rate of ten per cent from and after the same shall become due.

Duty of mar-
shal.

SEC. 10. It shall be the duty of the city marshal to collect all the rates, as provided by this act, and to give his receipt therefor. Said receipts shall be countersigned by the clerk of the board. The marshal shall, on or before the fifteenth day of each month, pay into the city treasury, to the credit of the several funds, all moneys received by him for water, electricity and gas rates, or from any other sources connected therewith, and shall file a detailed statement thereof with the clerk of the board. For all moneys so paid into the city treasury, the marshal shall take duplicate receipts, one of which shall accompany such statement; the other he shall present to the common council.

Delinquent
rates.

SEC. 11. Whenever on the thirtieth day of June in each year any such rates or any portion thereof for the calendar year then ending shall remain unpaid, it shall be the duty of the board to prepare a statement of all such delinquent rates, setting forth in each case the owner or occupant of the several lots or premises against which such rates are charged, with a legal description thereof the kind of rate and the amount due; also in a separate column the interest due to date. Such statement shall be certified to and signed by the president and the clerk of the board and entered in full in a book to be kept for that purpose.

Statement
recorded.

Duty of clerk.

SEC. 12. It shall be the duty of the clerk of the board, on or before the fifteenth day of July next following, to present such original statement of delinquent rates to the council. Upon the receipt of such statement the council shall cause all such several delinquent rates to be levied as a special assessment upon the lots or premises therein described respectively. Such special assessment shall in all respects be made and treated in accordance with the provisions of title XXVII of this act, relative to special assessments, and all the provisions of said title XXVII shall be and they are hereby made to cover and to include the enforcement and collection of such delinquent rates and the interest thereon the same as all other special assessments for public or local improvements therein mentioned: *Provided*, That the board of assessors in reporting such special assessment roll to the common council, as in said title directed, shall further compute and in a separate column opposite each description set down the interest accrued and still to accrue on each item of said rates from the thirtieth day of June to the first day of December next ensuing, and the aggregate of such delinquent rates and the several amounts of interest for each description shall be carried into the last column of the roll: *Provided further*, That it shall be lawful at any time prior to the first day of November to pay to the marshal such delinquent rates, with

Proviso.

Further
proviso.

the interest computed thereon, up to the date of payment, and take his receipt therefor, which receipt shall be countersigned by the clerk.

SEC. 13. The members and clerk of the board, their officers, agents and servants, may enter upon any public or private land or water, either within or outside the limits of the city, for the purpose of making all necessary surveys, and for maintaining their pipes, mains, aqueducts, poles, wires and other works, or of doing any other act necessary to carry into effect the purposes of this act. The board, subject to the approval of the common council, may agree with all persons interested in private property as to the compensation to be paid for taking or using the same for the public use or benefit by said board. In case no agreement can be entered into, the board shall report the facts to the common council, together with a description of the property necessary to be taken, and the purposes for which it is to be used, and thereupon the council may direct the city attorney to institute the necessary legal proceedings to condemn said property, as provided by title XXVI of this act.

Board may enter lands to make survey.

SEC. 14. The board shall have power to extend the distributing pipes, aqueducts and mains of the water-works and erect hydrants outside of the limits of the city, and to regulate, protect and control such portion of their works and the water supply therefrom in the same manner that they may regulate, protect and control the works and water supply within the city: *Provided*, That before any water shall be supplied to any person or persons residing outside the limits of the city, the entire cost of the distributing pipes necessary to supply such person or persons, shall be paid to the board, and all such distributing pipes through which any water shall be supplied by the board shall be the property of the city and form a part of its system of distributing pipes. They shall also have such other and further powers and rights not herein granted as are given to municipal boards by the general laws of the State, and as are not inconsistent with the powers and rights herein granted.

To extend pipes, etc.

Proviso.

Further powers.

SEC. 15. If any person shall wilfully do or cause to be done any act whereby any work, materials or property whatsoever, erected or used within or outside the limits of the city of Holland, by said board, or by any person acting under their authority, shall be injured, or shall wilfully throw or place, or cause to be thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy water or substance whatever, into any reservoir, pipe or aqueduct through which water for public or private use is conveyed, or shall throw or place, or cause to be thrown or placed, any such carcass, deleterious or filthy water or substance in Black river or Black river lake, within a distance of three miles above any inlet pipe extending into said river or lake, and through which said supply of water or any part thereof is received, or do or cause to be done any other act to wilfully pollute said water within

Penalty for placing carcasses in water.

Penalty.

such distance as aforesaid, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars and the costs of prosecution, or imprisonment in the county jail or in the Detroit House of Correction for a period not exceeding ninety days, or both, at the discretion of the court before which the case is tried. The board shall erect notices of so much of this section as relates to reservoirs and Black river lake and Black river, at conspicuous points on such reservoirs, and on each shore of said river and lake, within the distance above mentioned, and for this purpose they or their agents shall have the right to enter upon private property.

Unlawful to injure pipes.

Unlawful to injure, etc., any pole, wire, etc.

Penalty for violation.

SEC. 16. If any person shall, without the authority of the board or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log or aqueduct belonging to the water works of the city, or cause to be made any connection or communication with said pipes, aqueducts or logs, or meddle with or move the same, or take down or deface any of the notices provided for in the preceding section, or cause the same to be done, or shall injure, mutilate, move, deface or destroy any pole, wire, converter, meter, lamp or other apparatus, fixture or machinery of the city used in generating or distributing electric current, or meddle with or use the same, or shall in any way tamper or interfere with the meters used by the board in measuring and ascertaining the amount of water or electric current consumed, or shall perforate or bore, or cause to be perforated or bored, any gas main or pipe belonging to the city, or cause to be made any connection or communication with any such main or pipe, or meddle with or use the same, or shall in any way interfere with any machinery, apparatus or fixture of the board used in connection with the water works, electric plant, gas works or fire alarm system of the city, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars and the cost of prosecution, and shall also be sentenced to imprisonment in the county jail or in the Detroit House of Correction until such fine be paid, not exceeding ninety days. Any person who shall wilfully break or cut any inlet pipe, main, distributing pipe, log or aqueduct used by the board for conducting water, or shall dig into or break up any reservoir, filled or partly filled with water, or shall wilfully break any pumping engine, or any part thereof, or any of the machinery connected therewith belonging to the water works of the city, or cause any of said acts to be done, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State prison not more than five years, or by a fine not exceeding one thousand dollars and imprisonment in the county jail or in the Detroit House of Correction not more than one year.

TITLE XV.

LIGHTING, HEATING AND MOTIVE POWER.

SECTION 1. The common council shall have power to erect, purchase, operate and maintain, either independently or in connection with the water-works of the city, an electric lighting, heating and motive power system and gas works for the purpose of supplying the city and the inhabitants thereof with electricity and gas, for lighting, heating or motive power purposes, at such times and on such terms and conditions as they shall deem proper.

Electric light system.

SEC. 2. The board of public works shall have full, complete and entire charge, control and management of the operating, maintaining, running and repairing of such electric lighting, heating and motive power system and gas works as are, or may hereafter be, owned by the city, subject to the general direction and approval of the common council, as herein provided.

Management of.

SEC. 3. The city shall have power to produce, generate, furnish and sell such electricity and gas as may be desired in the city for lighting and heating public or private buildings, streets or grounds, and for motive power or any other purposes.

City may sell, etc., electricity and gas.

SEC. 4. For the purpose of constructing, maintaining and operating such electric lighting system and gas works, the city shall have the right of way over and along, and the power to lay, construct and maintain, conductors for conducting electricity and gas through all the streets, lanes, alleys, squares and other public lands of the city. If it shall be necessary for any of the purposes of this act to acquire or appropriate private property, the same may be acquired or appropriated and held by the city in the manner and with like effect as provided in this act and the general laws of the State for taking private property for public use.

City to have right of way.

Private property, how obtained.

TITLE XVI.

SEWERS, DRAINS AND WATER COURSES.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid from the general sewer fund, excepting such portion or portions thereof as the council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral branch or local sewer constructed within a special sewer district, shall be paid from

Cost and expense of.

the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits aforesaid shall be made without reference to any improvements or buildings upon the lands.

Construction of. SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause the board of public works to prepare, or cause to be prepared, a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof, and thereupon the council shall give notice, by publication, for at least two weeks, in one or more of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the board and the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Private drains, sewers, etc. SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner hereinafter provided for the levying and collecting of special assessments.

Council may borrow money. SEC. 18. If the council shall have determined to construct any main sewer in any main sewer district, or any main or trunk sewer, without reference to any sewer district, and if it shall be necessary for the city to borrow money for the payment of the amount determined by the council to be paid from the general sewer fund toward the construction of such sewer in such main sewer district, or for the payment of a trunk sewer to be constructed without reference to a sewer district, then, before any further proceedings are had looking toward the construction of such sewer, the council shall cause to be made and recorded in their proceedings an estimate of the amount necessary to be borrowed for such purpose, and the question of borrowing such amount shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council, as provided in this act, and shall be determined as a majority of the electors

voting upon the question at such election by ballot shall decide; and if a majority of the votes thus cast shall be for the borrowing of such amount of money, then it shall be lawful for the city to borrow such sum of money, not exceeding in all three per cent of the assessed value of the property in the city as shown by the last preceding tax roll, to be used exclusively for such purpose. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this section, and to issue the bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value.

TITLE XXIV.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The common council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair and free from nuisance. The city shall not be liable in damages sustained by any person, either to his person or property, by reason of any defective street, sidewalk, crosswalk, bridge or public highway, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk, bridge or public highway, unless such person shall serve, or cause to be served within sixty days after such injury shall have occurred, a notice in writing upon the mayor or city clerk, which notice shall set forth substantially the time when and the place where such injury took place, the manner in which it occurred, and the extent of such injury, as far as the same has become known, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him.

Council to have supervision of highways, bridges, etc.

TITLE XXV.

SIDEWALKS.

SEC. 3. The council shall also have power, either by ordinance or resolution, to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, encumbrances, filth and other nuisances: *Provided*, That the council may provide for the removing of all ice and snow therefrom, and for keeping the same free from encumbrances, and pay the expense thereof from the general fund, or from the street district fund of any street district in which the same may be located.

Council may require owners of sidewalks to remove snow and other obstructions.

Proviso.

When council
may remove,
etc.

SEC. 4. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be built, rebuilt or repaired, and the expense, or such part thereof as the council shall have determined, shall be charged to such owner or occupant, and the council may cause the amount of such expenses incurred thereby, for which such owner or occupant shall have become liable, together with a penalty of ten per cent of such expense in addition thereto, to be reported to the board of special assessors, to be levied by them as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given, as in all other cases of special assessments provided for by this act, and such tax, when confirmed, shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the supervisor of the district in which such lot or premises are situated, to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes; or the city may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

TITLE XXVI.

APPROPRIATION OF PRIVATE PROPERTY.

For what pur-
pose may be
taken.

SECTION 1. Private property may be appropriated for public use in the city for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parks, market places and spaces for public wharves, docks, slips, basins and landings on navigable waters, and for the improvement of water-courses; for sewers, drains and ditches; for public hospitals, pest houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

Proceedings for
taking private
property.

SEC. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the city, either in the manner and with like effect as provided by the general laws of this State relating to the taking of private

property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as herein-after set forth.

SEC. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality, and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the municipality, before such justice of the peace of the city as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use.

Who to institute proceedings.

SEC. 4. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such justice, in the name of the city, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed, which certified copy shall be prima facie evidence of the action taken by the council, and of the passage of said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things and may pray for any other or further relief to which the municipality may be entitled within the objects of this title.

Attorney to file petition.

What petition shall state.

SEC. 5. Upon receiving such petition it shall be the duty of the said justice to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said justice at a time and

Duty of justice upon receipt of statement.

place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Who to serve
summons.

SEC. 6. Said summons shall be served by the city marshal or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the justice may appoint some discreet and proper person to be guardian ad litem of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require, as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the justice may adjourn the proceedings from time to time, as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service of the publication of the order for appearance, if any, shall be filed with such justice before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service.

Proceedings
in appointing
guardian.

Justice may
adjourn pro-
ceedings.

When justice to
make order for
jury.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall make an order that a jury be impaneled in the case. Such

jury shall be composed of twelve freeholders of the municipality and shall be selected and impaneled as follows: The city marshal or any constable of such city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of the city, and the city attorney and the respondents collectively shall each have the right to strike six names from the list of persons written down as aforesaid, and, subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the justice, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this title, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil cases in such courts, except that peremptory challenges shall not be allowed.

Number to
constitute jury.

Jury, how
selected.

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public, the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take such property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer and, upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the justice and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by the foreman, or by all jurors.

Jurors, how
sworn.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they

Jury to deter-
mine necessity
for improve-
ment.

shall separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

How jury assisted to find verdict.

SEC. 10. To assist the jury in arriving at their verdict, the justice may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement, and of each and all the parcels of property to be taken, and may also submit to them a blank verdict, which may be as follows:

PART I.

Form of blank.

We find that it is _____ necessary to take the private property described in the petition in this cause, for the use and benefit of the public, for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the justice, before it is submitted to the jury, or it may be done by the jury.

Amendments.

SEC. 11. Amendments, either in form or substance, may be allowed in any paper, petition, process, record or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in the resolution pass-

ed by the council, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

SEC. 12. Upon filing the report and award made by any jury with said justice, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided.

Duty of justice when report is filed.

SEC. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict, said justice shall, on the application of the city attorney, designate some day and hour when another jury may be impaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and, when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and before said justice, or some other justice in said city, as provided for above after the first jury is sworn.

Proceedings if jury disagree.

SEC. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause, be unable to discharge his duties as a juror, said justice may draw another person to serve in his place, who shall be sworn and shall have the like qualifications, powers and duties as those already sworn.

In case any juror is unable to discharge duties.

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest, and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Appeal, when to be made.

When returned. SEC. 16. Within ten days after taking such appeal said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and file the same with the clerk of such circuit court.

Circuit court to have jurisdiction. SEC. 17. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury **Trial by jury.** duly impaneled by the court in the cause, without reference to any term of court, upon all questions involved in such proceedings, and the verdict or finding of the jury shall be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal. **Jurors, how impaneled, etc.** The jurors for the trial of such cause in the circuit court shall be impaneled and summoned and be possessed of like qualifications, and be sworn, and render their verdict in like manner, and the proceedings and practice in the trial of the cause shall be the same as is provided in sections six, seven, eight and nine of act number one hundred twenty-four of the public acts of eighteen hundred eighty-three, entitled "An act to authorize cities and villages to take private property for the use or benefit of the public." etc., approved May thirty-one, eighteen hundred eighty-three, as amended.

Court to confirm proceedings, etc. SEC. 18. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least fifty dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him or to the city, as shall be just.

Duty of city clerk. SEC. 19. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the justice of the peace after the same has become final, as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such justice, or the judgment of said court, as well as the book of records of such proceedings kept by said clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.

When to collect sum awarded. SEC. 20. When the verdict of the jury shall have been finally confirmed by the justice and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe

that a portion of the city in the vicinity of the proposed improvement will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in the act to which this act is amendatory for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser.

Amount, how
assessed.

SEC. 21. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city to pay to the persons respectively entitled to the moneys so set apart and provided, to each his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury, and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the

When city to
pay owners of
property.

When council
may borrow
money.

treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the justice before whom such proceedings were had, or his successor, or in case an appeal has been had, then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, which certificate shall be prima facie evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

When council
may take
possession.

Compensation
of officers, etc.

SEC. 22. Officers, jurors and witnesses in any proceedings under this chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the justice courts of this State, and in cases of appeals the same fees and compensation as are provided by law for similar services in circuit courts.

What shall be
prima facie evi-
dence as to who
are owners.

SEC. 23. It shall be prima facie evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be prima facie evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

Building to be
sold.

Amount of sale,
where credited.

SEC. 24. In case there is on the private property taken a building or other structure, the same shall be sold by or under the direction of the council; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

SEC. 25. Nothing in this title contained shall prevent the city from obtaining private property for any of the public uses herein specified by negotiation and purchase. Title, how construed.

TITLE XXVII.

COST OF IMPROVEMENT.—SPECIAL ASSESSMENT.

SEC. 19. If any special assessment shall be divided into installments a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments and the cost of making such special assessment roll included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed. Assessment, how divided.

TITLE XXVIII.

FINANCE AND TAXATION.

SEC. 12. The council shall also, in the said month of September, pass an ordinance, to be termed the annual appropriation bill, in which they shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the then fiscal year, payable from the several general funds, and from the street or sewer district funds as estimated and determined upon as provided in section ten of this title, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street or sewer district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six and seven of this title to raise by general tax during the year. The council shall specify in such ordinance the amount appropriated for each of the general funds and street or sewer district funds. The council shall also designate in the appropriation bill the amount or part of any special assessment, or other sum which they require to be levied or reassessed with the next general tax, as mentioned in section eleven of this title, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year. to be paid for in whole or in part by special assessments, and the estimated cost thereof: *Provided however,* That when the entire cost of such improvement shall not exceed the sum of three thousand dollars it shall not be necessary to designate such improvement in said appropriation bill. Annual appropriation.

Council to audit
and settle
claims.

Statement.

SEC. 25. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city and the accounts also as far as practicable of all persons having claims against the city or accounts with it not previously audited; and shall make out a statement in detail or in condensed form, as the council may deem best, of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes and the amount raised for each fund; the amounts levied by special assessments and the amounts collected on each, and the amount of money borrowed and upon what time and terms and for what purpose; also the items and amounts received from all other sources during the year and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city and to whom payable and with what rate of interest, the amount of salary or compensation paid or payable to each officer of the city for the year and such other information as shall be necessary to a full understanding of the financial concerns of the city.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 428.]

AN ACT to provide for the Appointment of a Truant Officer in and for School District number one of the City and Township of Kalamazoo, Michigan, and Defining his Duties and Powers, and Providing for the Punishment of Truancy in said School District.

The People of the State of Michigan enact:

Board of educa-
tion may ap-
point truant
officer.

Vacancy.

SECTION 1. That the board of education of school district number one of the city and township of Kalamazoo, Michigan, shall at a regular meeting of said board between May first, nineteen hundred, and August first, nineteen hundred, appoint one or more suitable male persons who shall have a residence in said school district to act as truant officer or truant officers in and for said school district, and who shall at all times be under and subject to the direction of said board of education, and who shall hold office at the pleasure of said board of education. In case of resignation or death of said truant officer or truant officers, said board of education shall within ten days thereafter appoint a truant officer or truant officers to fill such vacancy or vacancies, and such appointee or

appointees shall thereupon perform all the duties and be subject to all the provisions herein contained. The truant officer or truant officers so appointed by said board of education shall be the only truant officer or truant officers having an authority as such to act within the said school district.

SEC. 2. Said truant officer or truant officers may be re- Removal.
moved by said school board at any time, for reasons satisfactory to said school board; but such removal shall only be made by a majority vote of the whole number of trustees or members constituting the board of education.

SEC. 3. The salary or salaries of said truant officer or tru- Salary of.
ant officers shall be fixed by said board of education at the time of such appointment and said salary or salaries may thereafter be changed and be regulated as such board of education may see fit. Said salary or salaries shall be paid out of and from the public moneys belonging to said school district, and an appropriation for the payment thereof shall be provided and made at the regular annual meeting of the qualified voters of said school district, and the same shall be raised by taxation and in the same manner as other moneys are raised for the purpose of said school district, and said school board shall from time to time pay said salary of said truant officer or officers in the same manner as incidental expenses against said school district are paid by said board of education.

SEC. 4. It shall be the duty of such truant officer or officers Duties of.
to investigate all cases of truancy or non-attendance at school, and render all assistance necessary to compel children to attend the school or schools in said school district, and when informed of continued non-attendance by any teacher or resident of said school district said truant officer or truant officers shall immediately notify the persons having control of such children that on the following Monday such children shall present themselves with the necessary text-books for instruction in such school in said district as the superintendent of the public schools of said district may designate. The notice shall inform said parent or guardian that attendance at school must be continuous during the time that schools are open within said school district. In case any parent, guardian or any person shall fail to comply with the provisions of this Penalty.
act, he, she or they shall be deemed guilty of a misdemeanor, and shall on conviction be liable to a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail not less than two nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

SEC. 5. The following class of persons between the ages of seven and sixteen years shall be deemed juvenile disorderly persons: Juvenile disorderly persons.
Class one, habitual truants from any school in which they are enrolled as pupils; class two, children who, while attending any school, are incorrigibly turbulent, dis-

obedient or insubordinate or are vicious or immoral in conduct; class three, children who are not attending any school and who habitually frequent streets and other public places, having no lawful business, employment or occupation.

Truant officer
may make com-
plaint.

SEC. 6. It shall be the duty of said truant officer in case of violation of this law within one week after having given said notice to the parent or guardian, or other person having the legal charge or control of such child, to make a complaint against such parent, guardian or other person having the legal charge and control of such child, if the child resides in the city limits of the city of Kalamazoo, then before the recorder of the recorder's court of said city of Kalamazoo, and if the child resides outside of the limits of said city of Kalamazoo, and within said school district, then before a justice of the peace in the county of Kalamazoo, for such refusal and neglect; and said justice of the peace, police judge or recorder's court shall issue a warrant upon said complainant and shall proceed to hear and determine the same; and upon conviction thereof said parent, guardian or other person, as the case may be, shall be punished according to the provisions of section four of this act. It shall be the duty of all school officers, superintendents and teachers to render such assistance and furnish such information as they have at their command, to aid said truant officer in the fulfillment of his official duties.

Complaint.
when made
against juvenile
disorderly.

SEC. 7. When in the judgment of the board of education of said school district it becomes certain that all legal means have been exhausted to compel the attendance at school of a juvenile disorderly person under the provisions hereof, the truant officer, in case the parent, guardian or other person having legal charge and control of such child, neglects or refuses to do so, shall make complaint against such juvenile disorderly person before a court of competent jurisdiction that such child is such juvenile disorderly person as described in section five of this act, whereupon the justice of the peace or recorder of the recorder's court of the city of Kalamazoo, as the case may be, shall issue a warrant for the arrest of such juvenile disorderly person, which warrant shall be served as warrants generally are served, and by any officer having authority to serve warrants under the laws of this State, and upon such child being brought before said court, said court shall proceed to hear said complaint, and if said justice of the peace or recorder of the said recorder's court shall determine that said person is a juvenile disorderly person within the meaning hereof, then said justice of the peace or court shall thereupon, after consultation with the county agent of corrections and charities, sentence such child, if a boy, to the Industrial School for Boys, at Lansing for a term of not exceeding beyond the time when said child shall arrive at the age of seventeen years, unless sooner discharged by the board of control of said Industrial School for Boys; or if a girl, to the Industrial Home for Girls, at Adrian for a term not ex-

Where may be
imprisoned.

ceeding beyond the time when said child shall arrive at the age of seventeen years, unless sooner discharged by the Board of Control of said Industrial Home for Girls: *Provided however*, That such sentence shall, in case of the first offence, be suspended: *And provided also*, That no person or persons shall be sent to said Industrial School for Boys, or to the Industrial Home for Girls until the sentence therein has been submitted to and approved by the circuit judge of Kalamazoo county.

SEC. 8. Said truant officer or officers shall not in any instance have the right to make arrests, but may make complaints under this act in addition to all rights and powers hereby given them. Truant officer not to make arrests.

SEC. 9. In addition to the rights and authority hereby bestowed upon such truant officer or truant officers in said school district, the said truant officer or officers shall have the right to, and shall perform the duties of a truant officer as the same are now, and as well as the same may in the future be provided by the statutes of the State of Michigan. Further authority.

SEC. 10. No general act or acts, or laws now in force in this State shall in any way conflict with the provisions of this act, so far as said school district number one of the city and township of Kalamazoo is concerned, but all things in said general laws of this State, not herein otherwise provided shall apply to and control in said school district. General laws not to conflict with provisions of this act.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 429.]

AN ACT to amend an Act, entitled "An Act to Provide a Charter for the City of Detroit and to repeal all acts and parts of Acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, and being Act number three hundred twenty-six of the Local Acts of eighteen hundred eighty-three, and Acts amendatory thereof, by adding a new section to Chapter seven to stand as section sixty-six.

The People of the State of Michigan enact:

SECTION 1. That act number three hundred twenty-six of the local acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," and acts amendatory thereof, be and the same is amended by adding a new section to chapter seven to stand as section sixty-six and to read as follows: Act amended.

Council may appropriate money for Detroit Museum of Art.

SEC. 66. The common council shall also have power to appropriate each year for the support of the Detroit Museum of Art, such sum not exceeding twenty thousand dollars in any one year as it may deem necessary, which sum shall be paid from the general fund: *Provided however*, Such appropriation shall be made upon the express condition that admittance to said museum shall be free to the public at all times, subject to such reasonable regulations as to hours, as the board of trustees of said Detroit Museum of Art may establish.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 430.]

AN ACT to Amend and Revise the Charter of the City of Battle Creek.

CHAPTER I.

INCORPORATION AND BOUNDARIES.

The People of the State of Michigan enact:

Boundaries.

SECTION 1. That sections one and twelve, the east half of section two, and the east half of section eleven, in the township of Battle Creek, in the county of Calhoun and State of Michigan, and all that part of sections thirteen, fourteen, and twenty-three, in said township of Battle Creek, described as follows, to-wit: Commencing at the northwest corner of section thirteen thence east thirty-three feet; thence south and parallel with the section line four thousand four hundred and fifty feet, sixty-seven and forty-two one-hundredths chains; thence west sixty-six feet; thence south thirty-four degrees west seventy feet; thence south forty-seven and one-half degrees east three hundred and forty feet; thence south sixty-five degrees west three hundred and eighty feet; thence south forty-seven degrees west, five hundred and sixty-six feet to the south line of section fourteen, said point being distant one thousand and eighty-six feet west of the southeast corner of said section fourteen; thence west four hundred and sixty-five feet; thence south forty-five degrees west seven hundred and forty-six feet; thence south two hundred and forty feet; thence west three hundred and sixty feet to Goguac Lake; thence north five degrees east three hundred and sixty feet; thence east one hundred and sixty-five feet; thence north eleven degrees east two hundred and thirty-one feet; thence north sixty degrees east, three hundred and sixty-three feet to the north line of section twenty-three; thence north forty-three

and one-half degrees east three hundred and four feet; thence north eighty-seven degrees east four hundred and sixty-two feet; thence north twelve degrees east one hundred and seventy-five feet; thence north seventy-one degrees east, four hundred and sixty feet; thence south thirty degrees east sixty-six feet; thence north eighty degrees east one hundred and sixty feet; thence north fifty-three degrees east two hundred and twenty-five feet; thence south forty-five degrees east one hundred feet; thence north forty-seven and one-half degrees east three hundred and thirty-two feet; thence north thirty-four degrees east one hundred and fifty feet; thence north one thousand four hundred and five feet; thence south eighty-one degrees and forty-seven minutes west six hundred and seven feet more or less to Goguac Lake; thence northwesterly along the lake shore one hundred and fifty-eight feet more or less; thence north forty degrees and twenty-five minutes east three hundred and twenty-two feet to the quarter section line of section fourteen; thence north eighty-nine and one-quarter degrees east along the quarter section line three hundred and thirty feet; thence north one hundred and thirty-two feet; thence east one hundred and thirty-two feet; thence north two thousand five hundred and twenty-two feet to the section line; thence east thirty-three feet to the place of beginning; and sections six and seven, the west half of section five, and the west half of section eight in the township of Emmet, in the said county of Calhoun, be and the same are hereby set off from the said townships of Battle Creek and Emmet, respectively, and declared to be a city by the name of the "City of Battle Creek," Name. by which name it shall hereafter be known.

SEC. 2. The inhabitants of said city and the municipal corporation known as "City of Battle Creek," from time to time, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the "City of Battle Creek," and by that name shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever, and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, receiving, conveying, managing, and disposing of any real and personal estate for said city. Body corporate and politic. Name, etc.

CHAPTER II.

WARDS AND THEIR BOUNDARIES.

SECTION 1. Said city shall be divided into five wards as follows, to wit: The first ward shall embrace all that portion of the city described as follows: Beginning at the intersection Division into wards. First ward.

of Main and Jefferson streets; thence southeasterly along Main street to its intersection with the section line between section seven, town two south, range seven west, and section twelve town two south, range eight west; thence south along the section lines between said sections seven and twelve, to the southeast corner of said section twelve, town two south, of range eight west; thence west along the south lines of sections eleven and twelve, in town two south, of range eight west, to a point thirty-three feet east of the southeast corner of said section eleven; thence south and parallel with the section line four thousand four hundred and fifty feet, sixty-seven and forty-two one-hundredths chains; thence west sixty-six feet; thence south thirty-four degrees west seventy feet; thence south forty-seven and one-half degrees east three hundred and forty feet; thence south sixty-five degrees west, three hundred and eighty feet; thence south forty-seven degrees west five hundred and sixty-six feet to the south line of section fourteen, said point being distant one thousand and eighty-six feet west of the southeast corner of said section fourteen; thence west four hundred and sixty-five feet; thence south forty-five degrees west seven hundred and forty-six feet; thence south two hundred and forty feet; thence west three hundred and sixty feet to Goguac Lake; thence north five degrees east three hundred and sixty feet; thence east one hundred sixty-five feet; thence north eleven degrees east two hundred and thirty-one feet; thence north sixty degrees east three hundred and sixty-three feet to the north line of section twenty-three; thence north forty-three and one-half degrees east three hundred and four feet; thence north eighty-seven degrees east four hundred and sixty-two feet; thence north twelve degrees east one hundred and seventy-five feet; thence north seventy-one degrees east four hundred and sixty feet; thence south thirty degrees east, sixty-six feet; thence north eighty degrees east one hundred and sixty feet; thence north fifty-three degrees east two hundred and twenty-five feet; thence south forty-five degrees east one hundred feet; thence north forty-seven and one half degrees east three hundred and thirty-two feet; thence north thirty-four degrees east one hundred and fifty feet; thence north one thousand four hundred and five feet; thence south eighty-one degrees and forty-seven minutes west six hundred and seven feet more or less to Goguac Lake; thence northwesterly along the lake shore one hundred and fifty-eight feet more or less; thence north forty degrees and twenty-five minutes east, three hundred and twenty-two feet to the quarter section line of section fourteen; thence north eighty-nine and one-quarter degrees east, along the quarter section line three hundred and thirty feet; thence north one hundred and thirty-two feet; thence east one hundred and thirty-two feet; thence north two thousand five hundred and twenty-two feet to the section line; thence west to the southwest corner of the southeast quarter of

said section eleven town two south, of range eight west; thence north along the north and south quarter lines of sections eleven and two in said township two south, of range eight west, to the center of the highway formerly called Reese road, and being an extension of Race street, as the same is laid down on the map of Meachem's addition to Battle Creek; thence southeasterly and along the center of the highway, and along the center of said Race street as laid down on Meachem's addition to Battle Creek; thence southeasterly along the center of Race street to the intersection of said Race street and Jefferson street; thence northeasterly along the center of Jefferson street to its intersection with Main street, the place of beginning. The second ward shall embrace all that portion Second ward. of the city described as follows: Beginning at the intersection of Jefferson and west Canal streets; thence southwesterly along the center of Jefferson street to the intersection of Jefferson and Race streets; thence northwesterly along the center of Race street, as the same is laid down on the map of Meachem's addition to Battle Creek, and thence westerly along the center of the highway, the same being an extension of said Race street, and formerly called Reese road, now called Upton avenue, to the north and south quarter line of section two, town two south, of range eight west, thence north on said north and south quarter line to the center of Main street; thence southeasterly along the center of said Main street to the intersection of said Main street and west Canal street; thence up and along the center of west canal street to the place of beginning.

The third ward shall embrace all that portion of the city Third ward. described as follows: Beginning at the intersection of the Battle Creek stream and the west line of said section seven, thence down and along the center of the Battle Creek stream to its intersection with Jefferson street; thence southwesterly along the center of Jefferson street to the intersection of Jefferson and west Canal streets; thence northwesterly along the center of West Canal street to its intersection with Main street; thence northwesterly along the center of Main street to its intersection with the north and south quarter line of section two, town two south, of range eight west; thence north on said quarter line to the northwest corner of the northeast quarter of said section two; thence along the north line of sections one and two, in said town two south, of range eight west, to the northeast corner of said section one; thence south along the east line of said township two south, of range eight west, to the place of beginning.

The fourth ward shall embrace all that portion of the city Fourth ward. described as follows: Commencing at the point of intersection of the center of the Battle Creek stream with the west line of township two south, of range seven west, and running thence north along the west line of said township to the northwest corner thereof; thence running east along the north line of said township to the northeast corner of the west half of section

five in said township two south, of range seven west; thence running south along the north and south quarter line of said section five to the south line of said section five; thence west on the south line of said section five and on the south line of section six in said township two south, of range seven west, to the center of the Battle Creek stream; thence down along the center of said Battle Creek stream to the place of beginning.

Fifth ward.

The fifth ward shall embrace all that portion of the city described as follows: Beginning at the intersection of Main and Jefferson streets, thence southeasterly along Main street to its intersection with the section line between section seven, town two south, range seven west, and section twelve, town two south, range eight west; thence south along said section line to the southwest corner of said section seven; thence east along the south lines of said sections seven and eight in said town two south, of range seven west, to the southeast corner of the southwest quarter of said section eight; thence north along the north and south quarter line of said section eight in said township two south, of range seven west, to the north line of said section eight; thence west along the north lines of said section eight and of section seven in said township two south, of range seven west, to the point where said section line intersects the center line of the Battle Creek stream; thence down along the center of the Battle Creek stream to its intersection with the center of Jefferson street; thence southwesterly along the center of Jefferson street to its intersection with Main street, the place of beginning: *Provided*, That whenever a street or watercourse is mentioned in this act as a boundary or division line, the center of said street or watercourse shall be deemed to be the said line or boundary, unless otherwise designated or described.

Proviso.

CHAPTER III.

THE ELECTION OF OFFICERS.

Officers to be elected.

SECTION 1. The following officers shall be elected from among the electors of said city, to-wit: One mayor, one recorder, who shall be ex-officio city clerk, one treasurer, and four justices of the peace, who shall be elected in the following manner, to-wit: The mayor, recorder and treasurer shall be elected annually and shall hold their office for one year and until their successors shall be elected and qualified. There shall also be elected annually, one justice of the peace, who shall hold office for four years and until his successor shall be elected and qualified. The mayor shall be paid an annual salary of three hundred dollars, payable quarterly.

Term of office.

Compensation of mayor.

Election of aldermen and constables.

SEC. 2. There shall be elected at the same time in the several wards, from among the electors thereof, respectively, one

alderman and one constable; the said alderman shall hold his office for two years, and the said constable for one year, and until their successor shall be elected and qualified: *Provided*, That the aldermen and constables now holding office in said wards shall continue to hold said offices until the term for which they were respectively elected shall expire.

Term of office.

Proviso.

SEC. 3. At the annual charter election in April A. D. nineteen hundred a board of three assessors shall be elected, one for a term of one year; one for a term of two years; and one for a term of three years; and annually thereafter one assessor shall be elected for the term of three years.

When board of assessors to be elected.
Term of office.

CHAPTER IV.

OF THE REGISTRATION OF ELECTORS.

SECTION 1. The aldermen of the city shall compose the board of registration. All meetings of the board of registration of the several wards for the purpose of registration shall be held hereafter in the rooms of the common council of said city. Said board of registration shall meet on the Friday and Saturday next preceding each election, and the chairman of the board of registration, or in his absence, the board of registration may fill any vacancy by the appointment of any elector of the ward or voting precinct.

Board of registration.
Meetings, when and where held.

SEC. 2. The inhabitants of said city, having the qualifications of electors under the constitution of this State, and no others shall be electors therein. Every elector shall vote in the ward or election precinct where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be in the ward in which is located his regular place of lodging.

Who deemed electors.

Where electors to vote.

Residence of elector.

SEC. 3. A general re-registration of all the electors of said city shall be had at the session of the registration board preceding the general election in the year nineteen hundred and in every fourth year thereafter.

Re-registration of electors.

CHAPTER V.

ELECTIONS.

SECTION 1. The annual election under this act shall be held on the first Monday in April in each year, and at such place in each of the several wards as the common council shall designate, notice of which shall be given by the recorder at least ten days before the day of election by posting printed notices thereof in three public places in each ward or voting precinct.

Annual election.

**Election districts.
Provided as to precincts.**

Further provision.

Inspectors of election.

Provided.

Appointment of chairman and clerks of election, etc.

Manner of conducting elections.

Provision relative to certificates.

Each ward of said city shall be an election district by itself: *Provided however*, That it shall be lawful for the common council to divide the several wards of said city, or any of them, into convenient voting precincts for the purpose of the holding of all elections, but no such division shall be made within thirty days next previous to any election: *And provided further*, That in case of the division of any ward into voting precincts there shall be a new registration of the electors of said ward, before the next election thereafter, said electors to be registered in the several voting precincts in which they respectively reside.

SEC. 2. The aldermen of each ward, and such number of electors as shall be required by the laws of this State residing therein, who shall be appointed by the common council at the regular meeting thereof, next preceding said election, shall be the inspectors of such election and also of all elections to be held in said city during that year: *Provided*, That when there shall be more than one voting precinct in the same ward, the aldermen of such ward shall be members of the board of inspectors of election for the voting precincts in which they shall respectively reside, and the common council shall at the time of appointing inspectors of election for the several wards, appoint as inspectors of election, for each of said voting precincts, one or more suitable elector or electors of each of said voting precincts as may be necessary to make, with the aldermen of said ward, such number of inspectors of election for each of said voting precincts as are required by the laws of this State for general elections.

SEC. 3. Said inspectors shall before opening the polls at any election, appoint one of their own number as chairman of such board of inspectors, and shall designate one of their number to act as clerk and shall appoint one other elector of said precinct as second clerk. In case of the absence of one or more inspectors or clerks, the electors present may choose viva voce from their number, one or more as may be necessary to fill such vacancy or vacancies, to whom and to such clerk or clerks and to the inspector or inspectors so appointed by the common council shall be administered the constitutional oath by either of said aldermen or by any other person duly authorized to administer oaths.

SEC. 4. The manner of conducting all elections and canvassing the votes and qualifications of the electors of the several wards shall be the same as in townships, the word "Ward" instead of "Township" being used in the oath to be administered to an elector in case his vote shall be challenged, and also in making all certificates or statements of, and concerning such election: *Provided*, That at such charter election said inspectors of election shall make one certificate of the number of votes given for each person for the several offices to be filled in said city, and also one certificate of the number of votes given for each person for the several offices to be filled in the several wards of said city, which certificates shall be, within twenty-

four hours, filed in the office of the recorder of said city; and at ten o'clock in the forenoon of the Thursday next following the day of such charter election the common council shall meet at their usual place of meeting, and thereupon determine who, by the greatest number of votes given in the several wards or, by lot, as hereinafter provided, are duly elected or chosen to fill the respective city and ward offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election; and each of said officers so elected and notified shall, within five days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the recorder, who shall file the same in his office: *Provided*, That in case of the election of one or more justices of the peace, and of the election and qualification of one or more constables, said recorder shall make a certificate thereof and cause it to be delivered to the clerk of the county of Calhoun, in the same manner as is required of township clerks.

Meeting of council.

Notice to persons elected.

Proviso.

SEC. 5. That all justices of the peace and constables elected under this act shall, within five days after receiving notice of their election, qualify by filing their constitutional oath and giving security in the same manner as is required by law of justices of the peace and constables of townships; and in case two or more persons shall receive for the same city or ward office an equal number and a plurality of the votes given at such election, the common council shall, at its meeting on the Thursday succeeding such election, proceed to determine by lot between the persons so receiving the highest number of votes, which shall be considered elected to such office; and in case any of the officers so elected or chosen and notified shall neglect, for the term of five days, to qualify as aforesaid, or to give such security as the provisions of this act, or the by-laws or ordinances of the common council of said city shall require, such officer or officers shall be deemed to have declined.

Justices of the peace and constables, when to qualify. Oath.

Procedure in case of tie.

When deemed to have declined.

SEC. 6. If an election of mayor, aldermen and other officers shall not be made on the day, when pursuant to this act it ought to be made, the said corporation shall not for that reason dissolve, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular elections.

Corporation not to be dissolved.

SEC. 7. Special elections may be appointed by resolution of the city council and held at the polling places in the respective wards in said city. The purpose and object of all special elections shall be fully set forth in the resolution appointing the same.

Special elections.

SEC. 8. The ballots used in any election shall be as near as may be, in conformity with the requirements of the general election laws of the State relating to such matters.

Ballots.

Candidates to
be electors.

SEC. 9. No person shall be elected to any office in said city or ward therein, unless he shall be at the time of such election, or appointment an elector of said city or ward.

CHAPTER VI.

APPOINTMENT OF OFFICERS.

Power and duty
of mayor as to
appointments.

SECTION 1. The mayor shall have power, and it shall be his duty, on the third Monday of April in each year, or as soon as may be thereafter, subject to the approval of the majority of the aldermen-elect, to appoint a city attorney, street commissioner, and such other officers whose election or appointment is not herein otherwise provided for, as said common council may deem necessary to carry into effect the powers granted by this act. Each of said officers so appointed shall hold office for one year and until his successor shall be appointed and duly qualified. And the mayor with the consent of a majority of all the aldermen elect shall have power to remove any of said officers at pleasure.

Term of office.

Mayor may
remove.

Council may
remove certain
officers.

SEC. 2. The common council shall also have power to suspend or remove the treasurer or any constable or assessor of said city for any violation of the provisions of this act, or of any amendment thereof, or of any by-law or ordinance of said city, or for neglecting or refusing to perform the lawful requirements of said common council, in the manner to be provided by the by-laws or ordinances of said city; and in case of any such suspension or removal, or in case of the death, resignation or neglect to qualify, or removal from the city, or from the ward in and for which he was elected, of any officer of the corporation or ward, except justices of the peace, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired term of such office: *Provided*, Such appointment shall not extend beyond the next annual election in said city, and until his successor is or shall be duly elected or appointed and qualified. All officers so appointed, shall be notified and qualified as is herein provided: *Provided further*, That the common council may at any time, order a special election to fill vacancies in any office which is elective under this act, and they shall designate the time and place of holding the same and the same notice shall be given as for annual or charter elections, stating the office or offices to be filled; and any person so elected at such special election shall hold and serve for the remainder of the term of said office.

Vacancies, how
filled.

Proviso.

Further
proviso.

CHAPTER VII.

POWERS AND DUTIES OF THE MAYOR.

SECTION 1. The mayor of said city shall be the chief executive officer thereof, and shall be ex-officio a member of the board of public works, and entitled to vote on all matters before said board and with the same power as any appointed member.

Mayor to be chief executive officer.

SEC. 2. He shall preside at all meetings of the common council and in case of a tie to give the casting vote, but he shall not have a vote in any other case, and he shall have power to and shall appoint all standing committees.

Presiding officer, etc.

SEC. 3. It shall be his duty to exercise supervision and control over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the common council are enforced.

Duty of.

SEC. 4. The mayor shall be conservator of the peace, and may exercise within the city of Battle Creek the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all citizens to aid in the enforcement of the ordinances of the common council, and to suppress riot and disorderly conduct. The mayor may remove any officer appointed by him at any time, except those herein provided otherwise.

To be conservator of the peace.

Mayor may remove certain officers.

SEC. 5. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. He is also hereby authorized and empowered generally to administer oaths and to take affidavits, and shall from time to time recommend such measures to the common council as to him shall seem proper.

May examine and inspect books, etc.

May administer oaths.

SEC. 6. The mayor shall also have power to suspend the operation and effect of any by-law, ordinance or resolution passed by the common council by filing a notice thereof in writing with the recorder within twenty-four hours of the passage thereof; and if in any case where such notice has been filed as aforesaid, the mayor shall, within five days after the passage of such by-law, ordinance or resolution file with the recorder his reasons in writing why such by-law, ordinance or resolution should not go into effect, then the same shall not become operative or go into effect unless at the first regular meeting of the common council thereafter the same shall be repassed, without debate, by the concurring vote of two-thirds of all the aldermen then in office; and if so repassed, the same shall go into effect according to the terms thereof; and if such reason in writing shall not be filed as aforesaid, then such by-law, ordinance or resolution shall have the same operation and effect as if no such notice suspending the same had been filed with the recorder as aforesaid.

May suspend operation of by-laws, ordinance, etc., passed by council.

CHAPTER VIII.

POWERS AND DUTIES OF THE RECORDER.

Duties of
recorder.

SECTION 1. The recorder of said city, shall in addition to the other duties imposed upon him by this act, keep the corporate seal, and all papers filed in or pertaining to his office, shall make and preserve a record of all ordinances and by-laws passed by the common council in proper books to be provided therefor; and also to copy the charter of said city and amendments thereto, and all acts and parts of acts of the legislature relative to said city into a separate book to be provided for that purpose, in their chronological order, as near as may be; and when requested shall duly certify, under the corporate seal, copies of any of the records of the common council and all papers duly filed in his office, which shall be evidence in all courts and places of the matters therein contained; also to perform such duties as are or may be required of township clerks in all cases in which he is authorized or required by this act, or the laws of this State, to perform the duties of township clerk; and for such services he shall receive the same fees as they are entitled to receive under the laws of this State; he is also hereby authorized and empowered generally to administer oaths and take affidavits.

Oaths.

To attend meet-
ings of council.

SEC. 2. It shall also be the duty of the recorder to attend all meetings of the common council and keep a fair and accurate report of their proceedings, which shall be published in one or more papers published in said city. The recorder shall not be entitled to vote in the common council, and in case of the absence of the recorder the common council may appoint one of their own number recorder pro tempore. It shall also be the duty of the recorder to communicate to the common council at its next regular meeting any paper that may have been filed with him pursuant to the provisions of chapter seven of this act.

Not entitled to
vote.

Recorder pro
tempore.

Recorder and
justice of the
peace to hear
all cases
against ordi-
nances of city
etc.

SEC. 3. The recorder and any justice of the peace of said city are hereby authorized and empowered to inquire of, hear, try, and determine, in a summary manner, all offenses which shall be committed within said city against any of the by-laws or ordinances made by the common council of said city, or arising under the provisions of this act; to punish the offenders as by the said by-laws or ordinances or by this act shall be prescribed or directed; to award all process and to take recognizances for the keeping of the peace, for the appearance of the person charged, and upon appeal or certiorari, and to commit to prison as occasion shall lawfully require.

When recorder
to perform
duties of mayor.

SEC. 4. In case of the absence of both the mayor and president of the council from the city, or of their inability to act the recorder shall be, and he is hereby authorized to do and perform all the duties and trusts, appertaining to said office of mayor, except to preside at meetings of the common council.

until the said mayor or president of the council shall resume his duties or another be elected and qualified. And the said recorder shall do and perform such other duties as shall be imposed upon him by the provisions of this act and the ordinances of said city.

SEC. 5. Immediately after the common council shall have levied any taxes, the recorder shall certify to the assessors of said city the amounts thereof.

To certify to
assessors
amount of taxes
levied.

CHAPTER IX.

POWERS AND DUTIES OF THE CITY TREASURER.

SECTION 1. The treasurer of said city shall have the custody of all the money and evidences of value belonging to the city; he shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all of the receipts and expenditures thereof; he shall pay no money out of the treasury except in pursuance of, and by authority of law and upon a warrant signed by the recorder and countersigned by the mayor, which shall specify the purpose for which the amount is to be paid; he shall keep an accurate account of, and be charged with moneys received for each fund of the corporation, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the recorder, and from no other or different fund. He shall exhibit to the common council annually, and as often and for such periods as may be required by them, a full and detailed account of all receipts and expenditures since the date of his last annual report, classifying them by the fund to which such receipts are credited and out of which such expenditures are made; and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account, report, and statement shall be filed in the office of the recorder; he shall also collect all city taxes imposed by the common council in the manner provided by this act, and the by-laws and ordinances in relation thereto; it shall also be his duty and he is hereby authorized to perform the same duties in relation to the collection and return of taxes for State, county and school purposes assessed and levied within said city as is or shall be required of township treasurers; and shall perform the same in the same manner under his instructions and under the same liabilities as are imposed by law upon said township treasurers.

Duties of
treasurer.

CHAPTER X.

THE POWERS AND DUTIES OF THE COMMON COUNCIL.

Common
council.

Quorum.

Meetings, when
held.President of
council, how
and when
elected.Powers and
duties.

Proviso.

Common coun-
cil may pre-
scribe rules for
its government.Power to call
meetings of
electors, make
by laws, ordi-
nances, etc.May prescribe
fines, penalties,
etc.

SECTION 1. The mayor, recorder, and aldermen, when assembled together and duly organized, shall constitute the common council of the city of Battle Creek, and a majority of the aldermen shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time. The said common council shall meet at such times as they shall determine, and at such other times as the mayor, or in case of his absence from the city, or of his inability to act, or of a vacancy in his said office, the president of the council may appoint, whenever a special meeting shall be called, the object and purpose of said meeting shall be stated in such call.

SEC. 2: The common council shall on the third Monday of April in each year, or as soon thereafter as may be, elect by ballot one of their number who shall be known as the president of the council, and who shall possess the same powers and discharge the municipal duties of the mayor, during the absence, inability, death, resignation, or removal of the mayor: *Provided*, That said president of the council shall make no nominations to office during the temporary absence of the mayor from the city, unless such absence exceeds a period of twenty days.

SEC. 3. In case of the absence of both mayor and president of the council they may appoint one of their number to preside, and the said common council shall have power to prescribe rules for the government of its proceedings, and power to impose, levy and collect such fines as they may deem proper by by-law or ordinance for the non-attendance of the members and officers thereof at any meeting, and also to require the attendance at any meeting of any of the officers of said city; and in like manner to impose, levy and collect such fines as they may deem proper for non-attendance.

SEC. 4. The common council shall have full power and authority to provide for and to call meetings of the electors of said city; to fix and establish the grades of streets and sidewalks, and to make all such other by-laws and ordinances as they may deem necessary and proper for the safety, order and good government of said city, and to promote the prosperity, and improve the condition of the inhabitants thereof, not inconsistent with the laws and constitution of this State and the constitution of the United States.

SEC. 5. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe fines, penalties, or forfeitures not exceeding five hundred dollars unless the imposition of a greater penalty, fine or forfeiture be herein otherwise expressly provided for a

violation thereof; and may provide that the offender or offenders, on failure to pay the fines, penalties or forfeitures imposed, within a time to be fixed therefor, shall be imprisoned in the common jail of Calhoun county, or in any city prison, workhouse, or house of correction, or in the State house of correction at Ionia, until the payment thereof, for any term not exceeding six months, which said fines, penalties and forfeitures may be sued for and recovered with costs in the name of the city of Battle Creek, which said suit may be commenced on making and filing a complaint on oath by warrant in any court of said city having jurisdiction. Any person charged with any offense under this act, or with the violation of any provision of any ordinance may, on the trial thereof, on his own request, be sworn as a witness, or in lieu thereof, at his option, may make a statement in the same manner and with like effect as in criminal trials under the general laws of this State.

May provide for imprisonment.

Suit may be brought for payment of fines.

Defendant may be sworn as a witness.

SEC. 6. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State in reference to schools, State, county, and school taxes, the support of the poor, State, congressional, judicial, district, and county elections, except as is otherwise provided in this act.

To perform same duties as are imposed upon township boards.

SEC. 7. The common council, in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings and grounds, and all property, real and personal belonging to the city, and may make such ordinances and by-laws relating to the same as they shall deem necessary and proper; and further, they shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws, and regulations as they deem desirable within said city, for the following purposes:

Council to have management and control of finances.

Power to enact laws, etc.

First, To prevent vice and immorality; to preserve the public peace and good order; to regulate the police of the city; to prohibit, prevent and quell riots, disturbances, disorderly noises, or assemblages in the streets, or elsewhere in said city;

Relative to vice.

Second, To prohibit, prevent, and restrain disorderly and gaming houses; to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate and restrain billiard and pool tables and bowling alleys;

Disorderly houses, etc.

Third, To prohibit, restrain, or prevent persons from gaming for money or other valuable things with cards, dice, billiards, nine or ten-pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever in any grocery, store, shop, or in any other place in said city; to punish the persons keeping the building, place, instruments, devices, or means for such gaming, and to provide for the destruction of the same;

Gambling, etc.

Lotteries, etc.

Fourth, To prohibit, prevent, and suppress all lotteries for drawing or disposing of money, property or valuable things, whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction, or management thereof;

Liquors, etc.

Fifth, To forbid and prevent the vending or other disposition of liquor and intoxicating drinks in violation of the law of this State, and to forbid the selling or giving to be drank any intoxicating liquors to any minor or drunkard;

Nuisances, etc.

Sixth, To prohibit, prevent, abate, or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of said city.

Slaughter
houses, etc.

Seventh, To direct the location of all slaughter-houses, markets, and buildings, for storing gun-powder or other combustible or explosive substances; also to make regulations concerning the buying, carrying, selling, keeping and using gun-powder, firecrackers, or fireworks, manufactured or prepared therefrom, or other combustible, explosive or dangerous articles, and the exhibition of fireworks, and the discharge of cannon or fire-arms, and the use and kind of lights or lamps to be used in barns, stables, and all buildings, cellars and establishments usually regarded as extra hazardous in respect to fire, and to regulate, restrain or prevent the making of bon-fires in streets, lanes, alleys, yards, or public places;

Cumbering of
streets, etc.

Eighth, To prevent the cumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges or aqueducts in any manner whatever, and to remove any obstruction therefrom; to regulate or prevent the exhibition of signs on canvass or otherwise in or upon any vehicle standing or traveling upon the streets of said city, or held or carried by any person; to control, prescribe, or regulate the mode of constructing and suspending awnings and the exhibition and suspension of signs; to control, prescribe, and regulate the manner in which the streets, lanes, avenues, alleys, public grounds and space within said city, shall be used, and to establish the grades thereof, and to provide for the preservation of, and the prevention of wilful injury to the gutters in said streets, lanes, avenues, and alleys; to direct and regulate the planting, and to provide for the protection and preservation of ornamental trees therein.

Horses and
horse-racing,
etc.

Ninth, To require any horse, horses, mules, or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys, or public grounds or places in said city, to be securely fastened, held or watched; and to prohibit the hitching or standing of horses, mules, or other animals whether attached to a vehicle or not, in such streets and public places as the common council may prescribe; and to prevent and punish

horse-racing and immoderate driving or riding in any street, lane or alley, and to authorize the stopping and detaining any person who shall be guilty of any immoderate riding or driving in any street, lane or alley;

Tenth, To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines, and cars upon the railroads within said city, and to compel the railroad companies, their officers, agents, managers, and employes to station flagmen at street crossings, and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, or to prohibit the same, and to make such other rules or regulations concerning the same as to secure the safety of the citizens or other persons; Railroad grades, etc.

Eleventh, To restrain and punish drunkards, vagrants, mendicants, and street beggars soliciting alms or subscriptions for any purpose whatever; Drunkards etc.

Twelfth, To regulate or prohibit bathing in any public water, to provide for clearing the rivers, ponds, and streams in said city, and the races and canals connected therewith, of all drift-wood and noxious matter, and to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive, or drawing the water therefrom at such times and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive; Bathing, etc.

Thirteenth, To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding. Pounds, etc.

Fourteenth, To prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize their being killed when running at large, in violation of any ordinance of the common council, and to prohibit any person from placing, exposing or administering any poison to any dog or other animal not his own, and to punish such person for so doing; Dogs, etc.

Fifteenth, To prohibit any person from bringing into or depositing in said city any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction of the same; and if any person shall have on his premises such substances or any putrid meats, fish, hides, or skins of any kind, and shall neglect or refuse to authorize the removal or destruction of the same, the same may be done by some officer of said city; Unwholesome substances, etc.

Sixteenth, To compel all persons to keep side-walks in front of or adjoining premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions; Cleaning side-walks.

Ringling of
bells, etc.

Seventeenth, To prevent or regulate the ringing of bells, and the crying of goods and other commodities, or other disturbing noises on the streets, lanes, or alleys or in any public place, or on or in private property adjacent thereto;

Powers and
duties of police-
men, etc.

Eighteenth, To prescribe the powers and duties of the policemen and watchmen, and to impose fines and penalties for their delinquencies, and to require them to be uniformed and to fix their compensation;

Street line en-
croachments.

Nineteenth, To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars;

Graveyards,
etc.

Twentieth, To regulate all graveyards in the city and the burial of the dead;

Markets, etc.

Twenty-first, To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain, and provisions of all kinds, and of other goods or property in the streets, lanes, alleys or public places in said city, and to prescribe the places for selling the same;

Reservoirs,
wells, etc.

Twenty-second, To establish, regulate, and preserve, public reservoirs, wells and pumps, and to prevent the waste of water; and also to construct reservoirs and wells and to provide water and water-works for the extinguishment of fires and for other purposes;

Carts, draymen,
drivers, etc.

Twenty-third, To prescribe rules to govern and to license carmen and their carts, draymen, and their drays, hackney carriages and their drivers, scavengers, porters and chimney sweeps, and bill posters and their fees and compensation; and the fees to be paid by them into the city treasury for license; to prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, drays, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, produce, and other property exposed for sale in said city;

Soliciting for
hotels, etc.

Twenty-fourth, To regulate the soliciting of guests for hotels or other places and passengers and others to ride upon any railroad, boat, street car, omnibus or stage;

Lighting of
streets.

Twenty-fifth, To regulate the lighting of streets, alleys, and public places and the protection and safety of the public lamps, and to employ a suitable person to superintend the same, to prescribe his duties, and to fix his compensation therefor;

Hawking and
peddling.

Twenty-sixth, To license and regulate, or restrain, or prevent hawking and peddling in the streets, lanes, alleys, and public places, and to regulate pawnbrokers;

Duties of ap-
pointed officers

Twenty-seventh, To prescribe the duties of all officers appointed by the mayor, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the

city, for the discharge of their duties, and the time for executing the same, in case not herein or otherwise provided for by law;

Twenty-eighth, To fill up, level or drain any lot or premises whenever the common council shall deem it necessary to abate, prevent, or remove any nuisance, and to assess the cost and expenses thereof on said lot or premises or on the district to be benefited thereby, in the same manner as other special assessments may be made, enforced and collected; Drainage, etc.

Twenty-ninth, To fix and regulate the fees of sheriffs, constables, jurors and witnesses in any proceeding under this act, or under any ordinance of the common council, in cases not herein or otherwise fixed or regulated by law; Fees of sheriff, etc.

Thirtieth, To provide for public parks and squares, either within or without said city, and to take and hold real estate both within and without the limits of said city, for that purpose, and to make, grade, improve, and adorn the same, and all grounds belonging to or under the control of said city, and to control and regulate the same consistently with the purposes and objects thereof; Public parks, etc.

Thirty-first, To sell or otherwise provide for disposing of all dirt, filth, manure, cleanings, lying in or gathered from streets, avenues, lanes, alleys, and public spaces and grounds, of said city, in grading, paving or otherwise improving the same; Disposition of dirt, etc.

Thirty-second, To provide for and regulate the lighting of public lamps, and the erection of lamps and lamp-posts and suitable hitching posts; to regulate the erection and maintenance within the streets of said city of poles and wires for telegraph, telephone, electric light, and other purposes; Lighting of public lamps, etc.

Thirty-third, To preserve quiet and order in the streets and other public places, in said city, at the arrival and departure of railroad trains, and to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or places of public resort, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs, or other vehicles, shall stand, and to prohibit or prevent them from entering or driving within any railroad depot to solicit passengers or baggage; Erection of poles, wires, etc.

Thirty-fourth, To prohibit and prevent in the streets and elsewhere in said city any lewd and lascivious behaviour or indecent exposure of person, the show, sale, or exhibition for sale, of any indecent or obscene pictures, drawings, engravings, paintings, books or devices, or any written or printed paper or other thing containing obscene, opprobrious, scurrilous, scandalous, libelous, or defamatory matter, and all indecent or obscene exhibitions and shows of any kind; To preserve order at depots, etc.

Thirty-fifth, When and as warranted in so doing by the votes of the electors, as provided by the law, to establish and provide for the continuation keeping up, and in perfect operation a Lewd and lascivious behavior, etc.

Water works.

- good and efficient system of water-works to supply the city and its inhabitants with wholesome water from such sources as selected, whether situated within or without the city limits;
- Bridges, sewers, etc.** Thirty-sixth, To establish, construct, maintain, repair, enlarge, and discontinue within the streets, avenues, lanes, alleys, and public places, of said city, such bridges, culverts, sewers, drains, and lateral drains, and sewers as the common council may see fit with a view to the proper drainage and sewerage of said city; to compel the owners or occupants of all occupied lots, premises, and subdivisions thereof within said city to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions and under such regulations as shall be prescribed;
- Boundaries of streets, numbering of houses, etc.** Thirty-seventh, To survey and establish the boundaries of the city, and of all streets, avenues, lanes, alleys, public parks, grounds, squares, and spaces in said city, to prevent and remove all encumbrances and encroachments upon the same by buildings, fences, or in any other manner, and to number the buildings, and to assess and collect the expense of such numbering of the owner or occupant;
- Health of city.** Thirty-eighth, To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress the causes of diseases generally, and if deemed necessary to establish a board of health, and to prescribe and regulate its powers and duties;
- Houses of ill-fame.** Thirty-ninth, To prohibit, prevent and suppress the keeping of houses of ill-fame, or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries; to restrain, suppress, and punish the keepers thereof and of persons found therein; to punish and restrain common prostitutes, vagrants, and drunken and disorderly persons, to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use, or practice the same, and all persons aiding in the management, use and practice thereof;
- Unsound meat, etc.** Fortieth, To prohibit, prevent, and suppress the sale of every kind of unsound, nauseous, or unwholesome meat, poultry, fish, vegetables or other articles of food and provisions, and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale;
- Violation of Sabbath, etc.** Forty-first, To prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose;
- Security of citizens against injury.** Forty-second, To secure said city and its inhabitants against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace;

Forty-third, To direct and regulate the construction of cellars, slips, barns, private drains, private sewer pipes and fixtures, cess-pools, sinks and privies; to compel the owner or occupant to fill up, remove, drain, cleanse, alter, relay or repair the same;

Construction of cellars, etc.

Forty-fourth, To prohibit and prevent within certain limits or districts in said city, to be determined by the common council, the location and construction of buildings for storing gun-powder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and dangerous or explosive substances, slaughter houses and yards, butchering shops, soap, candle, starch, and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on; and such buildings, factories, shops, and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper-shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings or establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make with a view to the protection from injury by fire or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Location of tanneries, etc.

Forty-fifth, To prescribe, from time to time, limits or districts within said city, within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing and repairing buildings within such limits or districts, and the material of which the outer walls and roofs shall be constructed and repaired with respect to protection against fire; to prohibit and prevent the removal of wooden or frame buildings from any place without or within such limits to any lot or place within such limits or districts;

Fire limits.

Forty-sixth, To regulate or prohibit within such limits or districts the location of shops, the prosecution of any trade or business, the keeping of lumber yards, the erection of gas works, and the storing of lumber, wood, or other easily inflammable material in other places, when in the opinion of the common council, the danger from fire is increased; and every building or structure which may be erected, placed or enlarged or kept in violation of any ordinance or regulation of the common council made for the prevention of fires, is hereby declared to be a nuisance and may be abated or removed by direction of the common council;

Location of lumber yards, etc.

Forty-seventh, To regulate the construction of division or partition fences, and of partition and parapet walls, the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens and the

Fences, walls, chimneys, fire-places, etc.

putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof, and to fix the fees therefor; to compel and regulate the construction of ashhouses or depositories for ashes; to compel the owners of houses and other buildings to have scuttles in the roofs thereof, and steps or ladders leading to the same; to authorize and empower the proper officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition, and to punish any person for neglecting or refusing so to do; to authorize any of the officers of the city to keep all idle or suspicious persons away from the vicinity of fires, and to compel all officers of the city and other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Fire department, its organization, government, etc.

Forty-eighth, To establish, regulate and maintain a fire department and to provide for the prevention and extinguishment of fires; to establish, organize, regulate, and maintain all such fire engines, hook and ladder, and hose and bucket companies as may be deemed necessary; to provide such companies with necessary and proper buildings, engines, and other implements and things necessary to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of men willing to accept, as may be deemed necessary and proper to be employed as firemen, and such fire, hose, and hook and ladder companies shall each have the power to elect their own officers, except chief and assistant chief engineer, and to pass by-laws for the organization and government of their respective companies: *Provided, however,* That the common council may also adopt rules for the organization and government of said companies, which shall take precedence over the by-laws of said companies. The common council shall appoint a chief and assistant chief engineer. Every person belonging to any of said companies may obtain from the recorder a certificate of such membership, which shall be evidence thereof; and the members of any such company, during the continuance as such, shall be exempt from all duty in the militia in time of peace, and also from serving on any jury in any of the courts in this State, or payment of poll tax; and it shall be the duty of each of said companies to take reasonable care of the fire-engines, hose-carts, hose, ladders, buckets and other instruments and things used by said companies respectively, and in no case by wrongful act or neglect doing or permitting injury thereto; and upon any alarm of breaking out of any fire within said city, each company shall forthwith assemble at the place of said fire with the engine or other implements of each of said companies, and be subject to the orders of the chief engineer of the fire department;

Proviso as to powers, duties and exemptions of firemen.

Forty-ninth, To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat, private house, railroad or other place; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation;

To license draymen, carmen, etc.

Fiftieth, To license and regulate auctioneers, hawkers, peddlers and pawnbrokers, and to regulate auctions, hawking, peddling and pawnbrokerage;

Auctioneers, hawkers, etc.

Fifty-first, To prohibit and prevent, or license and regulate, the public exhibition by persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind; and to license and regulate halls, opera-houses, rinks, and other places of public amusement;

Public exhibitions.

Fifty-second, To regulate the keeping of hotels, taverns and other public houses, groceries, ordinaries, saloons, and victualing and other houses or places for furnishing meals, food or drink; to regulate butchers; to license, regulate, or suppress hucksters; to regulate the keepers of shops, stalls, booths or stands at markets or any other place in said city for the sale of any kind of meat, fish, poultry, vegetables, food, and provisions; to regulate the measuring of wood, weighing of hay, and gauging articles to be measured, inspected, weighed and gauged;

Hotels, etc.

Fifty-third, To provide for taking a census of the inhabitants of the city whenever the common council may see fit, and to direct and regulate the same;

Taking of census.

Fifty-fourth, To provide for the imprisonment and confinement in prisons, workhouses and houses of correction, or in the common jail of Calhoun county, at hard labor or otherwise, all persons liable to be imprisoned under this act or any ordinance of the common council, whenever convicted of any violation thereof, by any court having jurisdiction of the same;

Providing for imprisonment.

Fifty-fifth, To provide for the punishment of all offenders for violation of, or offenses against, this act or any ordinance of the common council enacted under this or any other act of the legislature by holding to bail for good behavior, by imposing fines, penalties, forfeitures, and costs, or by imprisonment in the common jail of Calhoun county, or any prison, workhouse, or house of correction in said city, or the State house of correction at Ionia in the discretion of the court or magistrate before whom a conviction may be had. If only a fine, penalty, or forfeiture, with the costs be imposed, the offender may be sentenced to be imprisoned until the payment thereof for a term not exceeding six months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinances creating or specifying the offense to

To punish violators of ordinances.

be punished, and no penalty, fine or forfeiture, so prescribed shall exceed five hundred dollars, and no imprisonment shall exceed the period of six months;

To provide work for prisoners.

Fifty-sixth, To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of Calhoun county, or in any prison, workhouse, or house of correction of said city, at work or labor, either within or without the same, or upon the streets, lanes, alleys, or public grounds of said city, or on any public work under the control of the common council; to allow any person so confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

To authorize the granting of licenses.

Fifty-seventh, To authorize the granting, issuing, and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and to prescribe the amount of money to be paid therefor to the city treasurer, but no license shall be granted for more than one year;

Printing and publishing.

Fifth-eighth, To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as the common council may prescribe;

Power to purchase and hold real estate.

Fifty-ninth, The common council shall have power by the vote of two-thirds of all the aldermen elect, to purchase, hold, or sell real estate for the use of said city, for corporate, park, or cemetery purposes, either within or without the corporate limits of said city, and to have and exercise the same power and control over the same as though the same was within the limits of said city;

To erect buildings.

Sixtieth, To erect and provide for the erection of all needful buildings and offices for the use of the city or of its officers, and to control and regulate the same; to establish and build prisons, workhouses, and houses of correction for the confinement of offenders, and to control and regulate the same;

To prohibit practices or amusements liable to frighten teams.

Sixty-first, To prohibit all practices, amusements and doings in said streets, lanes, alleys, public places, parks and grounds, having a tendency to frighten teams and horses, or dangerous to life, limb or property; to remove or cause to be removed therefrom all walls, and structures, that may be liable to fall, so as to endanger life, limb or property;

To regulate sales at auction.

Sixty-second, To prohibit, restrain, or regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fee to be paid by auctioneers;

Sixty-third, To compel all railroad and railway and street car lines within said city to construct and maintain all proper and necessary drains, culverts and sewers upon and across their right of way, tracks and grounds, and to compel them to pay for the same;

To compel railroads, etc., to construct drains.

Sixty-fourth, To regulate the burning of coal, petroleum, and other kinds of fuel within the limits of said city, in such manner, by means of smoke consumers or otherwise, as to prevent the smoke therefrom becoming a nuisance or offensive to the inhabitants of said city;

To regulate the burning of coal and petroleum.

Sixty-fifth, To prohibit children and minors from being abroad at night except by permission of their parents or guardians;

Prohibiting minor children being out at night.

Sixty-sixth, To prohibit the sale of cigarettes and tobacco to minors, without the permission of their parents or guardians;

Prohibiting the sale of cigarettes and tobacco to minors.

Sixty-seventh, To prohibit and prevent minors from frequenting or remaining in or about any saloon or other place where spirituous and intoxicating liquors are sold, or in any billiard room, bowling alley, or other place where games of skill or chance, or partly of skill and partly of chance, are being played, or in any place where any form of gaming is carried on.

Prohibiting minors from frequenting saloons.

SEC. 8. The common council, in addition to the other powers in this charter granted, shall have the power and authority to establish and maintain a city infirmary and hospital, for treating and caring for the indigent sick of said city, and shall have the power to make all necessary contracts and agreements for the benefit of the city in such treating and caring for such indigent sick persons, and in case there shall be no public hospital or infirmary, the said common council may contract for the care, maintenance, and treatment of such indigent sick and with such person or persons as they may deem proper; and for the above purposes the said common council may appropriate such sum of money as they may deem proper: *Provided*, That not more than two thousand dollars in all shall be appropriated for such purposes in any one year.

May contract for care of city patients.

SEC. 9. The common council may also provide by ordinance for the inspection, testing, and sealing of all weights and measures used in said city, by the official sealer of weights and measures, appointed by them, and prescribe the fee for such inspection, testing and sealing, and penalties for using without such testing and sealing any scales, weights or measures, or neglecting or refusing to have the same tested and sealed as provided by such ordinance: *Provided*, No fine imposed by such ordinance in any one case shall exceed the sum of ten dollars and costs.

Proviso.

To provide for the inspection of weights

Proviso.

SEC. 10. The common council of said city is also hereby authorized to make and use an appropriation, not to exceed the sum of eight hundred dollars in any one year, for the care and improvement of Oak Hill cemetery, so called, adjoining and

May make appropriation for the improvement of cemetery

Proviso.

used by the people of said city, and to levy a general tax for the same upon all the property of said city: *Provided*, That before any yearly sum shall be appropriated, a majority of the qualified electors of said city of Battle Creek, voting at said election shall at any charter or special election therein, after proper notice has been given, vote to authorize such tax and the making and expenditure of such appropriation.

CHAPTER XI.

ALDERMEN.

Aldermen to be conservators of the peace.

SECTION 1. The aldermen of the respective wards shall be members of the common council and shall exercise such powers, and discharge such duties as are required by this act, or that may be prescribed by ordinance or resolution of the common council, and not inconsistent with this act. As conservators of the peace they shall aid in maintaining good order, and in securing the faithful performance of duty by all officers of the city.

Members not to be interested in any contract, etc.

SEC. 2. Members of the council or other officers of the city shall not be interested, directly or indirectly, as principal, surety or otherwise, in the fulfillment of any contract, job, work, claim or services other than official services rendered to the city, the compensation for which, is to be paid out of the city treasury. But this shall not be construed as prohibiting any member of the council or other city officer from selling goods to the city in the open market and in competition with others dealing in the same kind of goods, or from receiving compensation for any services rendered to the city.

CHAPTER XII.

THE BOARD OF PUBLIC WORKS AND ITS POWERS AND DUTIES.

Who to constitute.

SECTION 1. There shall be a board of public works in said city. It shall consist of the mayor of said city and five good and competent men, who are electors therein, who shall be appointed by the mayor, subject to the approval of a majority of all the aldermen-elect. The full term of a member, except the mayor, shall be five years, but the members shall be subject to classification in such manner that one term will expire in each year. Appointments for full term shall be made on the third Monday in April, in each year, or as soon after such day as may be. Members shall hold over and execute the duties of the office until appointees to succeed them qualify and are ready to enter upon their duties.

Term of office.

Appointments, when made.

To take oath of office.

SEC. 2. Every member, as soon after appointment as may be, shall take the oath of office prescribed for city officers, and

within such time as shall be fixed therefor by the common council, execute to the city and file with the recorder a bond in such sum as the common council shall order, and with sufficient surety or sureties to be approved by the mayor, conditioned for the faithful performance by such member of the duties of the office. In case of a vacancy caused by death, resignation, removal from the city or otherwise, an appointment for the unexpired term shall be made with as little delay as possible, and in the same manner as appointments for full terms; and any such appointee shall, within such time as the common council shall fix, take the like oath and execute and file with the recorder the like bond required of members appointed for full terms.

Vacancy, how filled.

SEC. 3. No member of said board, except the mayor, shall hold any other office under the charter of the city during his continuance as a member of the board; and his election or appointment to, and acceptance of, any other office shall be deemed a resignation of membership in the board. Any member may be at any time removed by the mayor for official misconduct or the unfaithful or inefficient performance of his duties. But no such removal shall be made until six days' notice of the charges preferred shall have been given to such member with an opportunity for making his defense, nor unless his removal is voted for by at least two-thirds of the aldermen elect.

Members not to hold other office.

When member may be removed.

SEC. 4. The members of the board may elect from their number a president, secretary and treasurer, who shall hold during the pleasure of the board. The board shall keep an office in the city with such furnishings as shall be necessary, and business shall be conducted upon the joint conference and consultation of not less than three members attending in a session. Written minutes of the proceedings of the board shall be kept and all resolutions, orders, rules, and directions passed and adopted by the board shall be correctly entered at length and preserved in books of record, and the same shall be open to the inspection of the mayor, aldermen, city attorney, recorder and treasurer. The proceedings of said board shall be published within five days after each meeting in at least two newspapers circulating in said city. All papers and documents of importance relating to the duties or business of the board and not belonging elsewhere shall be filed and preserved in the office of the board. The board may appoint and employ such agents, experts, engineers, mechanics, clerks, workmen and laborers as it shall find necessary for the due discharge of its duties, and define their duties and fix their compensation to be paid by the city. All contracts made pursuant to law by the board shall be obligations of the city.

Members may elect president, etc.

To keep an office.

Minutes of proceedings to be kept.

Proceedings to be published.

May appoint engineers, clerks, experts, etc.

SEC. 5. The construction, alteration and repair of all city water-works and sewers shall be carried on, supervised and managed by the board of public works, and all constructed water-works, and sewers of the city shall be controlled, super-

To supervise the construction and repair of water works, etc.

May construct
and maintain
reservoirs,
buildings, etc.

Board to submit
plans, dia-
grams, etc.

When council
shall direct
board to pro-
ceed to work.

Proviso.

Proviso.

Further
proviso.

intended and managed, and kept in due repair and order by said board. And to enable it to discharge its duties herein, the board may lay water pipes and sewer pipes in public streets and public grounds and repair and renew the same when necessary; may also construct, maintain and repair reservoirs, water-works, buildings, machinery, engines, pipes, jets, pumps, and fountains when it shall find the same to be needful. The board of public works shall erect and maintain fountains and water troughs and put in water for public use wherever the common council shall direct, and water for parks, streets, city buildings, school houses, and grounds, shall be furnished free of cost if council direct.

SEC. 6. If the common council shall at any time decide to construct new or additional water-works, or to enlarge or extend those in process of construction, or shall decide to construct or enlarge or extend any sewer or sewers, it shall be the duty of the board of public works, on a resolution of the common council therefor, to submit to the latter suitable and expedient plans with the requisite specifications, diagrams and plain and accurate estimates therefor. The common council, upon its approval of said plans, specifications, estimates and diagrams, shall by resolution, direct the board of public works to provide all things necessary, and proceed to the said work by itself; and in that case said board shall go on and comply with said directions, and in such manner as will be most for the interest of the city: *Provided*, That ordinary extension of water mains may be made without the submission of diagrams, plans, and specifications by the board and, *Provided*, That if the common council shall deem it better for the interest of the city to have the work done and things needed for the same supplied by contract, effected under biddings called out by advertisement, it shall by its said resolution direct the board of public works to advertise in such manner as the resolution shall prescribe for bids, and to let the doing of the work, including the finding of all things to be found, by the contractor, to the lowest responsible bidder, who shall give adequate security for performance under the supervision and direction of the board; and it shall be the duty of the latter to carry out said resolution without unnecessary delay: *Provided*, That the common council may in such resolution direct the board of public works to provide materials and construct any portion of said work, and to contract as above for the finding of materials for and constructing other portions of such work as the common council may direct: *Provided further however*, That in case of any bidding, as aforesaid, when the board shall be satisfied that collusion has existed between bidders or between bidders and others, or that any other practice has occurred against the interest of the city, or that a present letting is not advisable, it shall be competent for the board to cancel the offer for bids and no such cancellation shall bring any liability on the city or on the board.

SEC. 7. The board shall report to the common council ^{Report.} monthly, such progress as shall have been made in the construction, alteration or repair of any work under construction, alteration or repair under the supervision of the board, and the general state and condition of such works, and such report shall include specific statements of the sums which shall then be owing and payable by the city on account of any such construction, alteration or repair, and any sum or sums thus owing and payable by the city on any contract or contracts performable under the supervision of the board. Said report shall be certified by a majority of the board, and thereupon it shall be the duty of the common council, without unreasonable delay to order payment from the proper funds of the sum so reported.

SEC. 8. Said board of public works shall annually, on the first Monday of March in each year, or as soon thereafter as ^{When board to fix water rates} may be, fix and determine the water rates for the year then next ensuing. Such water rates shall from and after the fixing of the same be a continuing lien upon the lots and premises on which the water is used and charged until paid, and the owners of the premises, against which such rates are assessed, shall pay the same to the board at its office, in advance, at such time or times, as the board may determine; and in case of default in such payment, the board may collect the same by an action of assumpsit on the common counts in the name of the city, before any court of competent jurisdiction, and shall shut off the ^{When water may be shut off} water until the same is paid. The board may also shut off the water from any taker when bills for labor or material are not promptly paid, or the rules and regulations not complied with, but shall turn on water when payment of rates and penalties is made. The board of public works may compel the use of a water meter in all cases where they deem it advisable: ^{Proviso.} *Provided however,* That all rules and regulations shall be uniform and general.

SEC. 9. On or before the fourth Monday in May or as soon ^{To submit estimates of yearly expenses.} thereafter as may be, in each year, the board of public works shall submit to the common council careful estimates in detail of the amount of money, which according to the judgment of the board will be needed for the water-works fund and sewer fund during the ensuing year, which estimates may be increased, modified or adopted by the said common council as in its judgment may seem justifiable, and thereupon the common council shall so replenish said fund either from money on hand, from the general fund, or from money received therein, in due season afterwards, or by tax in the general levy of the then current year, as to make them sufficient to meet said charges so approved as likely to come against them.

SEC. 10. It shall be the duty of the board of public works ^{Duty of board relative to money received by them.} to monthly pay into the city treasury to the credit of the water-works fund, all moneys received by them, for water rates or from any other source, on account of water-works, and file a de-

tailed statement thereof, certified by a majority of the board, with the recorder, and shall make such other reports and statements as the common council may, by resolution or ordinance require.

Council may place certain work under control of board.

SEC. 11. The common council may at any time by a vote of two-thirds of all the aldermen-elect place the grading or paving of any street, or the construction of any bridge or public building, or public work in said city, under the management and control of the board of public works.

CHAPTER XIII.

SEWERS AND DRAINS-CONSTRUCTION, MAINTENANCE ASSESSMENTS FOR THE SAME.

Board to submit plans for sewers.

SECTION 1. Whenever the board of public works shall be directed to submit plans, for sewers or drains to said common council, they shall cause to be prepared by some competent engineer a plat of so much of said city as in their opinion will require sewers, showing the streets, the location of the sewers, and the depth, grade, and dimensions thereof, which plat, upon being approved by the common council, shall be kept and filed in the office of the board of public works, and constitute a permanent plan to which all subsequent sewers shall conform until changed, on the recommendation of the board of public works, by a two-thirds vote of all the aldermen-elect.

When sewers to be constructed outside of city limits.

SEC. 2. No sewers, except when draining into a district already planned shall be constructed hereafter in that part of the city outside of the limits of the original sewer plat except when the same shall be in conformity to a general plan, carefully prepared before hand. The board shall then cause another plat to be made according to the above plan, of so much of said city as may be proposed to be then provided with sewers, and which shall include, as nearly as may be, the entire business portion of said city, and the extension of the main or trunk sewers to some convenient point of discharge; and the portion of said city so included shall be known as "Sewer Assessment District number One." When said last mentioned plat is completed, it shall be submitted, with specifications and estimates, to the common council for approval, and upon the approval of the same, the said council may by resolution, order the construction of the same in manner specified in this act.

Cost of sewers, how paid.

SEC. 3. The cost of constructing the sewers in said district shall be paid as follows: So much of the main or trunk sewer as lies outside of said "District Number One," or is not within the limits of any street or alley in said district shall be paid for by the city.

Council may direct recorder to borrow money.

SEC. 4. To meet the expenses and costs of the construction of sewers in said city in anticipation of collections of assessments, and taxes to defray the expense and cost thereof, the

common council may by resolution authorize and direct the mayor and recorder of said city, to borrow a sum not exceeding ten thousand dollars in any one year, for such purpose and to issue the bonds or other obligations of said city therefor, bearing interest at a rate not exceeding five per cent per annum, payable semi-annually: *Provided*, That the total amount of sewer bonds or other obligations for sewers which the common council is hereby authorized to issue, shall not exceed the sum of one hundred thousand dollars outstanding at any one time.

SEC. 5. The bonds which may be issued in any one year shall all be paid within twenty years from the date of issue, the said bonds to be endorsed "Sewer Bonds," and to be numbered consecutively. Said bonds shall not to be sold for less than par and the proceeds of the same shall be paid to the city treasurer and by him placed to the credit of the sewer fund.

Bonds, how issued.

How negotiated.

SEC. 6. The assessment for the cost of the construction of lateral sewers shall be made by the board of public works and collected by the city treasurer, in the manner herein provided for making and collecting special assessments. The expense attending the construction of drains or sewers shall be borne as follows, that is to say: The amount of expense of constructing any lateral drain or sewer, the size of which shall be fixed by the board of public works, and such proportion of the expense of constructing any main, drain or sewer, as the construction of a lateral drain or sewer, would, in the opinion of the board of public works, regard being had to all the existing conditions, amount to, shall be assessed by the said board upon the lots through or near which such drain or sewer shall be laid, in proportion to the benefits derived by them respectively therefrom, or according to the frontage thereon. The amount of so much of the expense of constructing any main, drain or sewer as shall exceed the cost of a proper lateral drain or sewer shall be assessed upon all the real and personal property included within the corporate limits of the city of Battle Creek, liable to taxation in proportion to the assessed valuation of the property in said city.

Assessment, how collected.

Cost, how assessed.

SEC. 7. When such assessment is directed to be made according to frontage, there shall be assessed upon each parcel of land such relative portions of the whole amount to be levied as the length, or front of such particular lot or parcel bears to the whole frontage of all the lots or parcels to be assessed, unless on account of the location, shape or size of any lot, or on account of the same being situated on the corner of two streets, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to the benefits there shall be assessed upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefits resulting to such lots from the said improvement.

Idem.

Form of assess-
ment.

SEC. 8. The said board of public works shall cause assessment for the expenses aforesaid of sewers constructed in accordance herewith to be made out in proper form, with map showing the property assessed, and the names of the owners thereof, when known and when the name of the owner thereof cannot be ascertained, the same shall be marked "Owner unknown," and when such assessment is made the said board shall submit the same to the common council, and the same shall be numbered and certified under seal by the recorder of said city, upon such submission as aforesaid.

Notice, how
given.

SEC. 9. The common council of said city shall give notice to all persons assessed either by personal notice or by advertising in some newspaper in said city, of the time when, and the place where, said common council will hear appeals from said assessment, and which said notice shall not be less than one week, proofs of such service or notice shall be filed in due form.

When council
to hear com-
plaints.

SEC. 10. At the time appointed for that purpose and at such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of said assessment, and may review, rectify and amend such assessment in whole or in part, as they may deem just and necessary, as to each or all of the persons named therein and the property affected thereby, or the said common council may ratify and confirm such assessment without any correction, or with such corrections therein as they may think proper, conforming to the provisions of this charter; but no such assessment shall be confirmed unless by a two-thirds vote of all the aldermen-elect; or the said common council may set the said assessment aside and order a new assessment to be made.

Assessment to
become a lien.

SEC. 11. From and after the confirming of all special assessments made under this charter as herein provided, the same shall be and become a debt due to said city, a charge against the person assessed, and a lien upon the property assessed and upon each and every portion, part and description thereof, and said debt, charge or lien shall continue and remain in full force, together with all interest and charges thereon, and all costs for collecting, advertising and sale thereof, until all such taxes, charges, interest and expense are fully paid. And every assessment so ratified and confirmed by the common council as aforesaid shall be final and conclusive, and prima facie evidence of the regularity and legality of all proceedings prior thereto.

Roll to be
attested by
recorder.

SEC. 12. When any assessment for the construction of sewers shall have been confirmed by the common council of said city, the assessment roll shall be attested by the recorder under seal, and it shall be deposited with the assessors or one of them who shall be responsible for its safe keeping. All such special assessments excepting such installments thereof as the council shall make payable at a future time, as in this charter provided, shall be due and payable on confirmation: *Provided*.

Assessments,
when due.

Proviso.

That upon the confirmation of any such special assessment, the amount thereof may be divided into not more than three installments, as the common council may direct in each case, one of which shall be collected each year thereafter with such annual interest as the council may determine, at a rate not to exceed seven per cent. When the council shall direct any of such special assessments to be divided into installments, the amount thereof due in each year shall be placed by the assessors or one of them on the annual tax roll in the sewer column thereof, upon and opposite the proper description of property. Whenever said sewer assessments shall not be divided into installments the assessors or one of them shall make a certified copy of such assessment roll, and the mayor shall attach thereto his warrant commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed and set opposite his name therein.

SEC. 13. Upon receiving said special assessment roll, and warrant attached thereto, the city treasurer shall proceed to collect the amounts assessed therein, and on all sums paid at his office on said assessment within thirty days from the time the said special assessment roll comes into his hands for collection, no collection fee shall be added, and upon all amounts paid after the expiration of said thirty days he shall add and collect four per cent as collection fees; and to all amounts paid after the expiration of sixty days from the time said roll came into his hands for collection he shall add and collect interest at the rate of seven per cent per annum from date of confirmation until paid. Such collection fees and interest shall be an additional charge upon the lots or premises assessed, and against the persons chargeable therewith. In case any person named in said roll shall neglect or refuse to pay his assessment, upon demand, then said treasurer shall proceed to levy and collect the same by distress and sale of the goods and chattels of such person; and to make return of the warrant and of his doings thereon within sixty days from the date of said warrant. In case any such assessment shall remain unpaid after the expiration of the said sixty days, no renewal of said warrant shall be necessary, but said warrant shall remain in full force and effect, and the treasurer shall have full power and authority to collect the same by virtue of said original warrant, at any time until such special assessment is paid, or until the same is placed and levied upon the general assessment roll as in this act provided.

When treasurer to proceed to collect.

Proceedings in case neglect to pay.

Renewal of warrant not necessary.

SEC. 14. In case any such assessment shall remain unpaid after the expiration of said sixty days, the common council may at any time thereafter direct the amount thereof to be levied and spread together with all collection fees, and together with interest thereon at seven per cent per annum upon the general assessment roll of said city, and thereupon the city treasurer shall certify to the city recorder a proper description of the lots and premises upon which any such assessment or any part

When council may direct amount levied and spread on general assessment roll.

Duty of assessors.**Proviso.****Assessments, how collected.****Other assessment districts.****Owners may connect private drains.****When not to connect with street sewer.****Licenses.****Council may compel owners to connect sewers.**

thereof remains unpaid together with the amount of such unpaid assessment, with the interest and collection fees due thereon, and the name of the owner or occupant against whom the assessment was made; and thereupon it shall be the duty of the assessors or of one of them to levy and spread such assessment upon the general assessment roll as hereinbefore provided, the same to be placed in the sewer column of such roll, and against the proper description of property: *Provided*, That the common council may order that the said assessment shall be collected as soon as the cost thereof is ascertained and reported by the board of public works if said common council shall deem it best so to do.

SEC. 15. All assessments under this act shall be collected in the same manner and with all the remedies as are prescribed for the collection of other city taxes, except as the same may be in this chapter varied: *Provided*, That when any such assessment has been, or shall hereafter be made against any railroad or railway corporation, and the same is not paid and discharged by said railroad or railway corporation against which the same is a legal demand, the said city of Battle Creek is hereby authorized and empowered to immediately enforce and collect the same, together with all interest and charges thereon and all costs and charges for collecting the same by an action of assumpsit or other proper legal action, and collect it out of any property of said railroad, or railway corporation which is liable to levy and sale upon execution.

SEC. 16. Whenever it is deemed necessary to form other sewer assessment districts the same may be done in the same manner as in this chapter hereinbefore specified.

SEC. 17. The owners or occupants of lots or premises on streets having sewers so constructed therein, shall have the right to connect private drains or sewers therewith at their own expense, under such rules as the board of public works may prescribe. In no case shall the owner, occupant, or other person, connect with any sewer in the streets in the city, or on private property or elsewhere, who has failed to pay his full share of the usual cost of a public sewer and the board of public works may cause such connection to be summarily removed if so made; and the said owner, or occupant, and also the party doing the work, shall be fined a sum not exceeding one hundred dollars.

SEC. 18. The board may grant licenses to those engaged in connection with the public sewers, with such fees and under such regulations as the common council or board of public works may prescribe.

SEC. 19. The common council shall, if the public health at any time require it, have power to compel such owners or occupants to connect their premises with the public sewers and fix the penalties for failing so to do.

SEC. 20. The common council shall enact and enforce, according to the provisions of this charter, all necessary and proper regulations by ordinance or otherwise, for the protection and preservation of all public sewers and drains and their appurtenances within the city and shall also enact and enforce reasonable regulations in regard to connections with any such sewers or drains.

Council to enact and enforce regulations for protection, etc., of sewers.

CHAPTER XIV.

WATER-WORKS AND WATER SUPPLY.

SECTION 1. For the purpose of carrying out the plan of water-works now being executed, or any future alterations or new plans which the common council shall approve, and any plan of sewerage having the approval of the common council, the latter shall have the power to purchase, take and hold, in the name of the city, such real estate situate within or without the limits of the city as shall be necessary to secure a sufficient supply of wholesome water for the water-works, and all needful sewer outlets and to afford necessary room for the construction and accommodation of such water-works and sewers and their appurtenances, and all structures, erections, and appliances necessary in connection therewith. In case said common council is or shall be unable to agree with the owners for the purchase of any land so required, it shall proceed to obtain condemnation of the same for such public use pursuant to the provisions for such purpose in this charter contained: *Provided*, That the entire damage and compensation for land taken hereunder shall be paid by the city.

Council may purchase real estate.

Proviso.

SEC. 2. If the source of supply of water for any water-works of the city shall be insufficient, it shall be lawful for the city to feed or increase it so far as requisite to afford an adequate supply by diverting and conducting thereto or turning therein so much as shall be necessary of the water of any springs, fountains, ponds, lakes, rivers, creeks, or other streams, or of any or either of them so situated that the place where the water shall be so diverted or the bank tapped to conduct it away, is not more than five miles from said source of supply. And in such case the city may enter on any lands, streets, highways, public or private roads or passage-ways or any public grounds through which it may be necessary to conduct or pass such water, and may appropriate, take, supply, and devote such water to said use and purpose, and may lay down, put in, or create or make in said lands, streets, highways, public or private roads or passage-ways, or in any public grounds all such pipes, conduits, channels or canals or aqueducts, and other works as shall be fit and proper for said purpose; leaving such lands, streets, highways, roads, passage-ways and public

When city may utilize springs, fountains, etc.

grounds in the same condition as nearly as may be as they were before.

Preliminary
examination
of lands.

SEC. 3. For the purpose of a preliminary examination and survey, the city, by its board of public works and such assistants as the board may employ, may go on and over any lands, which the board in view of this object may deem it fit and prudent to examine prior to the adoption of any lines. But before any lands shall be entered for any further purpose than such preliminary examination, the board of public works shall cause to be made an accurate survey and map of the land intended to be taken, and showing the line or lines along which it is intended to convey, or take the water, and describing with reasonable certainty the mode in which it is intended to take or convey it, and which survey or map shall be signed by the surveyor or engineer making the same, by a majority at least of the members of the board of public works, and filed in the office of the county clerk.

Proceedings in
case owners and
city disagree.

SEC. 4. In case the city shall not be able to agree with the owner or owners or parties having estates or interests for the purchase of any such property rights, privileges, or easements necessary for said purpose, the city shall have the right to acquire the same in accordance with the method of proceeding contained in, and shall be governed by the provisions of act number one hundred and twenty-four of the public acts of eighteen hundred and eighty-three, entitled "An act to authorize cities and villages to take private property for the use and benefit of the public, and to repeal act number twenty-six of the public acts of eighteen hundred and eighty-two, approved May thirty-first, eighteen hundred and eighty-three," as amended, and all the provisions of that act and acts amendatory thereof, so far as the same shall be material, shall apply to and have full force and operation herein in the same manner and to the same effect as though the property, rights, privileges or easements necessary for said purpose were located within the limits of the city of Battle Creek.

Provisions
relative to
establishment,
construction,
etc., of water-
works.

SEC. 5. The foregoing provisions in regard to the establishment, construction, government and management of water-works shall be subject to the conditions and regulations in this charter requiring that the assent of the electors shall first be obtained for the creation of such works. And in all cases the final adoption of plans for water-works and sewerage and plans for the extension of the same shall rest with the common council, but the execution thereof, including all details, shall devolve on the board of public works.

CHAPTER XV.

WATER-WORKS AND WATER SUPPLY, AND PUNISHING THE
INJURY OR POLLUTION OF THE SAME.

SECTION 1. If any person shall wilfully commit or cause to be committed any act by which anything provided or used within or without the limits of the city under the authority of the city or of some board, officer, or agent thereof for the purpose of supplying or helping to supply the city and its inhabitants with wholesome water, shall be in any manner injured or rendered less fit and serviceable for its purpose, either permanently or for the time being; or shall wilfully pollute the water at or near the source of supply, or any water already taken from said source and contained in any of the works; or shall wilfully put or cause to be put into any part of said works any deleterious article or substance, shall be guilty of a criminal offense, and be punished on conviction by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for not less than thirty days nor more than three years, or by both such fine and imprisonment in the discretion of the court.

Injury to water-works and pollution of water a criminal offense.

Penalty.

CHAPTER XVI.

PROTECTION OF WATER-WORKS, SEWERS AND RESERVOIRS.

SECTION 1. If any person shall, without authority or permission of the board of public works, shown either by their written order or resolution, or the express sanction of some one or more of the agents of said board empowered to give such sanction, perforate, bore or tap or cause to be perforated, bored or tapped, any reservoir, distributing pipe, or main belonging to the water-works of the city, or make or cause to be made any connection or communication whatever, with said reservoirs, pipes or mains; or dig up, or injuriously disturb or molest the same; or shall injuriously disturb or interfere with such portion of any sewer as shall be outside of the limits of this city, he or she so doing shall thereupon be subject to a fine of not more than fifty dollars and the costs of prosecution or imprisonment for not to exceed thirty days; and the prosecution shall be in the name of the city of Battle Creek, and may be instituted and conducted to judgment before any justice of the peace of said city.

Malicious injury to water-works, sewers and reservoirs.

Penalty.

CHAPTER XVII.

PROTECTION OF WATER-WORKS AT TIME OF FIRE.

Wilful interference with water-works at time of fire a felony.

Penalty.

SECTION 1. Any wilful interference with any part of the water-works of the city, or with anything required or used therewith, whether within or without the city limits, with intent to hinder, impede, impair, diminish or interrupt a supply of water to put out, stop or stay, any particular fire, or any fire in general shall be a felony, and any person found guilty thereof shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment in the State's prison at hard labor not less than one year nor more than five years, or by both such fine and imprisonment in the discretion of the court.

CHAPTER XVIII.

WATER-WORKS FUND AND SEWER FUND.

Water-works fund and sewer fund, how designated. Water-works fund, of what to consist.

Sewer fund, of what to consist.

Surplus in funds, how used.

SECTION 1. The common council shall establish a fund to be known as the "Water-Works Fund," and a fund to be known as the "Sewer Fund." The water-works fund shall consist of all water rates paid, all fines and penalties collected by the board of public works on account of the water-works, and such sums of money as may be from time to time appropriated by the common council from the general fund, or from the annual city tax, or that may be received from the sale of water-works bonds. The sewer fund shall consist of all fines and penalties collected on account of sewers, and the amounts collected from property owners as their proportion of the expense of construction, and such sums as may from time to time be appropriated from the general fund or city tax, or that may be received from the sale of sewer bonds.

SEC. 2. Whenever there may be a surplus in the "Water-Works Fund" or "Sewer Fund," beyond the current needs of said fund, the same may, in the discretion of the common council be used for the payment of principal or interest upon water-works or sewer bonds indebtedness respectively.

CHAPTER XIX.

SIDEWALKS; CONSTRUCTION, MAINTENANCE, ASSESSMENT FOR THE SAME.

Power of council relative to sidewalks.

SECTION 1. The common council shall have power in their discretion, to construct and reconstruct, and cause to be constructed and reconstructed, and repaired, all sidewalks and crosswalks, and to establish the grade and width thereof, and

to prescribe the material of which the same may be constructed, and the time when, and the method of paying for the same. Whenever the common council, by the concurring vote of two-thirds of all the aldermen-elect, shall by proper resolution order any of said improvements to be made, and the expense thereof to be assessed upon the owners of property abutting upon and adjoining said sidewalk so intended to be constructed, they shall by proper resolution describe, designate plainly and clearly the district in which any such sidewalk is to be constructed, and each parcel of real estate upon which an assessment is to be made, which assessment shall be according and in proportion to the benefits of such sidewalk to said property so abutting upon and adjoining the same. The common council shall further by resolution direct the city engineer or other proper officer to make and file with the recorder an estimate of the costs and expenses of such walk, and also specifications for the same, and materials of which the same shall be constructed and of the length, width and other particulars thereof, which estimates shall be filed with the recorder and approved by the council.

SEC. 2. The common council at their next regular meeting, or at any other regular meeting, shall direct the assessor or other proper officer of the city to make a proper assessment roll containing descriptions of all the parcels of real estate in said sidewalk district, the names of the owners thereof residing in said city, and in case any of the owners thereof do not reside in said city, to use the word "non-resident" and to apportion, assess and levy the amount of the costs and expenses of the sidewalk upon said real estate and in proportion to the benefits of said sidewalk to said parcels respectively.

Assessment roll, what to contain.

SEC. 3. Said assessor shall forthwith complete said assessment roll and as soon as completed he shall give notice by at least two publications in any newspaper in said city, said publications to be at least one week apart, stating substantially that said assessment roll is completed and will remain in his office twelve days from the date of the first publication of said notice for the inspection of all concerned, during which time any person interested may make such objections and requests for change or correction therein as they may wish to have made in said assessment roll, which said objections and requests for change or correction shall be submitted to the common council by said assessor at its first regular meeting after the expiration of the twelve days. The council shall thereupon make such change or correction in said roll as they shall deem just, and when such change or correction shall be made the same shall stand confirmed; and if no objection shall be filed with the assessor, the common council shall confirm the roll, and after the confirmation of the roll the assessment in said roll shall be a debt due from the person assessed and a lien until paid, upon such parcel of land.

Assessor to give notice when roll is completed.

Council may change or correct.

Assessor to
deliver copy to
treasurer.

Treasurer to
collect tax.

When treasurer
to return roll to
recorder.

SEC. 4. After the confirmation of said roll the assessor shall make and deliver to the treasurer a copy of said assessment roll with the taxes against each person and against each parcel of land carried out in due form. He shall annex to said assessment roll a warrant under the hand of the mayor and assessor, under the seal of the city, commanding the treasurer to collect from the several persons named therein, the sum set opposite their respective names within thirty days of the date thereof, and the said treasurer shall proceed to collect the same in the same manner as is, or shall be provided by law in cases of township treasurers, and to levy the same by distress and sale of the goods and chattels of the person liable therefor.

SEC. 5. Within ten days after the expiration of the time mentioned in his warrant for the collection of taxes the treasurer shall return said tax roll to the office of the recorder, giving the amount of the taxes, the description of the premises and the names of the person against whom the assessment is made, and in case any of the taxes mentioned therein shall remain unpaid as shown by the return of said treasurer, the said taxes so returned shall be placed upon the next regular assessment roll of the city of Battle Creek, in the proper column, under the head of sidewalk taxes, to which shall be added a collection fee of four per cent and interest at the rate of seven per cent per annum from the date of the confirmation until the same is paid, and said taxes and interest and collection fees shall then be collected in the same manner as the other city taxes, and in case the treasurer shall be unable to collect the same, the property therein described shall be returned, advertised and sold in the same manner and at the same time and with like effect, as for the other city taxes assessed on said general assessment roll.

CHAPTER XX.

STREETS, PAVEMENTS, CURBING, ASSESSMENTS FOR THE SAME.

Powers of council
relative to
streets.

SECTION 1. The common council of said city, in addition to the other powers in this charter provided and given, shall have, and they are hereby invested with full power and authority to pave and repave, curb and recurb, gravel, macadamize or plank, any or all of the streets, alleys, lanes, and public places in said city.

Costs, how
assessed.

SEC. 2. And the said common council may by special assessment assess the cost and expense of such improvements upon the owners of the property abutting upon, adjacent to, or benefited by such improvement, according to the benefits of said improvement to said property, or according to the frontage thereof, and for the purpose of such assessment may designate and describe districts in which such improvement shall be made, and may provide the manner of doing the same,

and for assessing the costs and expenses thereof: *Provided however*, That no such improvement shall be made without the concurring vote of two-thirds of all the aldermen-elect.

SEC. 3. Whenever the common council shall deem any of the above named improvements necessary, they shall so declare by resolution, which said resolution shall set forth the kind and extent of such public improvement, the necessity therefor, the manner of making the same, and the method of paying for the same, whether in whole or in part by general or special assessment, whether upon abutting property or upon an assessment district; and if the cost thereof is to be defrayed by a special assessment, in whole or in part upon the property abutting upon the street where such improvement is to be made, the common council shall, except in those cases where otherwise provided in this charter, by resolution designate the frontage, description, and extent of all the property to be assessed therefor, and the manner of assessment, and if the cost of any such improvement, or any part thereof, is to be assessed upon an assessment district, the common council shall describe and designate the said district and each parcel of real estate upon which the assessment is to be made.

Resolution of council relative to public improvements.

SEC. 4. At a subsequent meeting, not less than one week after the passage of said resolution, the common council may direct the city engineer, or other proper officer, to make and file specifications of the payment, [pavement] and estimates of the cost thereof, and other particulars thereof. Upon the filing of such estimates and specifications, the common council may, in its discretion, order and direct the recorder or other proper officer to advertise for sealed proposals for the making of such public improvement. When said common council shall have ascertained the cost of such improvement, as near as may be, it shall by resolution fix and declare the cost thereof as near as may be, and order an assessment therefor. When such assessment is directed to be made according to frontage, there shall be assessed upon each parcel of land, such relative portion of the whole amount to be levied as the length or front of such particular lot or parcel bears to the whole frontage of all the lots or parcels to be assessed, unless on account of the location, shape, or size of any lot, or on account of the same being situated on the corner of two streets, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to the benefits, there shall be assessed upon each lot such relative portion of the whole sum to be levied, as shall be proportionate to the estimated benefits resulting to such lot from the said improvement.

When city engineer to make estimates, etc.

Assessment, how made.

SEC. 5. Whenever any public improvement shall be ordered by the said common council, and the amount, method, or manner of paying therefor be determined, and the taxing district therefor be established as herein provided, the city recorder except in those cases where otherwise provided in this charter,

Recorder to deliver certified copies of resolution to assessor.

shall deliver to the assessor certified copies of such resolution, the assessors of said city shall thereupon make and return an assessment therefor to the said common council duly certified and signed by the officers making the same, and thereupon said assessment shall be certified under seal by the recorder of said city, and reported to the common council of said city at its next meeting. The said common council shall thereupon give notice to all persons assessed either by personal notice, or by advertising in some newspaper in said city, of the time when, and the place where the said common council will hear appeals from the said assessment: *Provided*, That not less than one week's personal notice, or publication at least one week in some newspaper published and circulating in said city of Battle Creek shall be given. Proof of such service or notice shall be made by affidavit filed in the office of the recorder of said city.

Council to give notice.

Proviso.

Council to hear objections.

SEC. 6. At the time and place so appointed, or at such other time and place as the same may be adjourned to, the common council shall hear and consider all objections made by any person assessed, or by any property owners affected thereby, and may in conformity with the provisions of this charter, review and correct such assessment as they may deem just and necessary, as to each or all the persons named thereon, and as to each or all of the several descriptions of property affected thereby. And after such correction, if the said common council shall deem it just to make any such corrections, or in case no objections are made by any person to such assessment, the said common council may confirm such assessment or any and every part thereof, or it may reject the same and order a new assessment to be made, but no such assessment shall be confirmed unless by a two-thirds vote of all the aldermen elect.

Assessment to become a lien.

SEC. 7. From and after the confirming of all special assessments made under this charter as herein provided, the same shall be and become a debt due to said city, a charge against the person assessed, and a lien upon the property assessed, and upon each and every portion, part and description thereof, and said debt, charge or lien shall continue and remain in full force, together with all interest and charges thereon, and all costs for collecting, advertising and sale thereon, until all such taxes, charges, interest and expenses are fully paid. And every assessment so ratified and confirmed by the common council as aforesaid, shall be final and conclusive, and prima facie evidence of the regularity and legality of all proceedings prior thereto, and no judgment or decree of any court, nor any acts of the city council, rejecting or vacating a special assessment, shall destroy or impair the lien of the city on the premises assessed for such amount of the assessment as may be equitably charged against the same or as by a regular mode of proceeding might have been lawfully assessed thereon.

Roll to be attested by recorder.

SEC. 8. When any such special assessment as herein provided shall have been confirmed by the common council of said city the assessment roll shall be attested by the recorder under

seal, and it shall be deposited with the assessor who shall be responsible for its safe keeping. All such special assessments except such as are made payable at some future time in installments by the common council as in this charter provided, shall be due and payable immediately upon the confirmation thereof: *Assessments, when due.*

Provided, That upon the confirmation of any such special assessment, the amount thereof may be divided into not more than three installments as the common council may direct in each case, one of which said installments shall be collected each and every year thereafter, and with such annual interest upon each and all of said assessments as the said common council may determine at a rate not to exceed seven per cent per annum. When the said common council shall direct any such special assessments to be divided into installments, the amount thereof due in each year shall be placed by the assessors on the annual tax roll in the pavement column thereof and opposite the proper description of property: *When special assessment to be placed on annual tax roll.*

Provided, Any person desiring to do so, may pay the whole of said tax or assessment at any time either before or after the same becomes due. Whenever said special assessment shall not be divided into installments, the assessor as soon after the confirmation thereof as may be, shall make a certified copy of such assessment roll, and the mayor shall attach thereto his warrant commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed and set opposite his name therein; and when the name of the owner of any lot cannot be ascertained the same shall be marked, "owner unknown."

SEC. 9. Upon receiving such special assessment roll and warrant attached thereto, the city treasurer shall proceed to collect the amounts assessed therein and on all sums paid at his office on said assessment within thirty days from the time the said special assessment roll comes into his hands for collection no collection fee shall be added, and upon all amounts paid after the expiration of said thirty days, he shall add and collect four per cent as collection fees, and to all amounts paid after the expiration of sixty days from the time said roll came into his hands for collection he shall further add and collect interest from the date of confirmation thereof, at the rate of seven per cent per annum until paid. Such collection fee and interest shall be an additional charge upon the lots or premises assessed, and against the persons chargeable therewith. In case any person named in said roll shall neglect or refuse to pay his assessment upon the land, then said city treasurer shall proceed to levy and collect the same by distress and sale of the goods and chattels of such person in the same manner as for other city taxes. And the said city treasurer shall make return of said warrant and of his doings thereon within sixty days from the date of said warrant. In case any such assessment shall remain unpaid after the expiration of the said sixty days, no renewal of said warrant shall be necessary but said warrant shall remain

Duty of treasurer on receipt of roll.

in full force and effect, and the treasurer shall have full power and authority to collect the same by virtue of said original warrant at any time thereafter until such special assessment is paid, or until the same is placed and levied upon the general assessment roll as in this act provided.

When council may direct tax to be spread on general assessment roll.

SEC. 10. In case any such assessment shall remain unpaid after the expiration of said sixty days the common council may at any time thereafter, direct the amount thereof to be levied and spread together with all collection fees and with interest thereon at seven per cent per annum from the date of the confirmation of said assessment, upon the general assessment roll of said city, and thereupon the city treasurer shall certify to the city recorder a proper description of the lots and premises upon which any such assessment, or any part thereof remains unpaid, together with the amount of such unpaid assessment and the interest and collection fees due thereon and the name of the owner or occupant against whom the assessment was made; and thereupon it shall be the duty of the assessors to levy and spread such assessment upon the next general assessment roll of said city, the same to be placed in the pavement column of said roll and against the name of the proper person and against the proper description of property, and the same shall then be collected, returned, advertised and property sold in the same manner, and with like effect as is provided for the collection of the other city taxes on said roll:

Proviso.

Provided, That the common council may order that any such special assessment shall be collected as soon as the cost of such improvement is ascertained and determined by said common council, if said common council shall deem it best so to do. The said common council may by ordinance provide such additional methods of collection of such assessment and such additional remedies for the collection thereof as they may deem proper, not repugnant to the provisions of this charter.

Railroad tax, how collected.

SEC. 11. Whenever any such assessment has been or shall hereafter be made against any railroad or railway corporation and the same is not paid and discharged by said railroad or railway corporation, against which the same is a legal demand, the said city of Battle Creek is hereby authorized and empowered to immediately enforce and collect the same, together with all interest and charges thereon and all costs and charges for collecting the same by an action in assumpsit or other proper legal action, and collect the same out of any property of said railroad or railway corporation which is liable to levy and sale upon execution.

Duty of property owners prior to paving of streets.

SEC. 12. Whenever any paving or repaving is contemplated upon any street or public highway in the city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, or any gas company putting in such connections for gas, before the same shall be paved or repaved, to put in and lay all such sewers and gas connections in front of their lands and

premises and to carry the same from the pipes in such street to and beyond the curb line of such proposed pavement as the common council shall determine to be necessary for the preservation of such proposed paving and repaving, and the adjacent sidewalks, when the same shall be laid and put down, and such connection shall be laid, made and put in, in the manner and at the time or times as shall be directed by the council. In case the owner of such lot or lots, lands or premises shall neglect or refuse to make, lay or put in such connection at the time or in the manner prescribed by the common council, then the council shall cause the same to be made, laid and put in, and the respective owners of such lots, lands or premises, shall be liable for the cost thereof, together with eight per cent in addition thereto as a penalty to be recovered by the city in an action of debt or assumpsit, or the costs together with the amount of such penalty for which such persons shall be respectively liable, the common council shall cause to be reported to the assessors, to be levied and assessed by them under the direction of said common council, as a special tax or assessment upon such lot or lots, lands or premises, in the same manner as provided in this section for paving assessments.

CHAPTER XXI.

THE CHIEF OF POLICE.

SECTION 1. It shall be his duty to serve all processes that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the mayor or common council, and shall attend all meetings of the common council, and may command the aid and assistance of all constables or other persons in the discharge of the duties imposed on him by law, and shall be a peace officer; he shall have power and authority and it shall be his duty with or without process, to apprehend any person disturbing the peace, or offending against any of the by-laws or ordinances of the city, and forthwith to take such person before the recorder or any justice of the peace of said city, to be dealt with as the by-laws or ordinances of this act shall provide; and may apprehend and imprison any person found drunk in any street, lane, alley, park or public place, in said city until such person shall become sober; and shall be and he is hereby authorized to command the assistance in the discharge of such duties, of any of the citizens or bystanders, if by him deemed necessary; and he shall perform all the duties that may be required of him by the by-laws, resolutions or ordinances passed by the common council.

Duties..

Idem.

SEC. 2. Upon the breaking out of any fire, in said city, the chief of police shall immediately repair to the place of such fire, and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same; and for which purpose, and as chief of police, and the mayor, recorder, and any alderman may require the assistance of any bystanders, and in pursuance of his duties the chief of police shall in all respects be obedient to the mayor, recorder and aldermen, or either of them, or such of them as may be present at such fire; and in case any bystander shall wilfully refuse or neglect to comply with such requirements he shall be punished in the manner provided in the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws and ordinances in relation thereto as they may deem necessary.

CHAPTER XXII.

BOARD OF ASSESSORS.

Council to pre-
scribe rules,
etc.

SECTION 1. The member of the board of assessors having the shortest time to serve shall be the chairman thereof, and the council shall, by ordinance prescribe rules and regulations to govern the board of assessors and shall determine and fix compensation each shall receive, and shall fix the amount of bond to be given by them, and shall fill any vacancy at any time occurring in said board of assessors.

Duties.

SEC. 2. The said assessors are hereby authorized and required to perform the same duties that the supervisor of townships under the general laws of this State are required to perform in relation to the assessing of property, and levying of taxes for State, county, city, and school purposes; they shall also issue warrants which shall be signed by said board of assessors or by the majority of them and the mayor, and sealed with the seal of said city to the treasurer of said city for the collection of all taxes in the same manner as the supervisors of townships issue warrants to the township treasurer, for the collection of taxes in townships.

Rights, privi-
leges and
powers, etc.

SEC. 3. The said three assessors shall also represent said city of Battle Creek, in the board of supervisors of said county of Calhoun, and shall be entitled to all the rights, privileges and powers of the other members of said board, and shall discharge the same duties as members of said board. The mayor of said city and the aldermen of each ward thereof having the shortest time to serve, shall also be ex-officio members of the board of supervisors of said county of Calhoun and shall with the said assessors elected in and for said city, represent said city in the board of supervisors of said county, and shall possess the like powers and be chargeable with the like duties as

any of the other members of the said board of supervisors, and shall be entitled to the same pay and be paid in the same manner as the other members of said board: *Provided*, That said mayor and aldermen shall exercise no authority as supervisors except as members of said board. Proviso.

CHAPTER XXIII.

JUSTICES OF THE PEACE AND CONSTABLES.

SECTION 1. The justices of the peace of said city shall have the like powers and jurisdiction and be subject to the same duties and liabilities as are or shall be provided by law in relation to the powers, duties and liabilities of justices of the peace of the several townships of this State; and the constables of said city shall perform the duties, receive the compensation and be subject to the liabilities which are or shall be by law, provided for constables of the townships of this State; said constables shall also be peace officers. Powers and jurisdiction.

CHAPTER XXIV.

APPROPRIATION OF PROPERTY.

SECTION 1. The common council shall have full power by the concurring vote of two-thirds of all the aldermen elect, to lay out, establish, open, extend, widen, straighten, alter, close, vacate or abolish any highways, streets, alleys, lanes, public grounds or spaces in said city; also to obtain sites for public buildings and grounds for said city, and to lay through private property, sewers, water-pipes, ditches and drains; also to open private roads and alleys in said city whenever the said common council shall deem the same to be a necessary public improvement. Private property may be taken for the public use for the purposes above mentioned but the necessity of making such improvement, and the necessity of taking such private property for public use therefor, the just compensation to be made for damages arising to any person for the making of such improvement shall be ascertained by a jury of twelve freeholders residing in said city. Power of council relative to streets, alleys, public grounds, etc.

SEC. 2. Whenever the common council shall deem it necessary to take or appropriate any private property, right of way, interest or estate therein for any public improvement or use, the proceedings therein shall be as follows, viz: The said common council shall by resolution so declare, which resolution shall describe the property proposed to be taken, and designate the purpose for which it is to be used. Said resolution shall direct the city attorney to institute proceedings upon a day named therein, before some justice of the peace of said city, to Private property, how taken.

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be therein designated, to carry out the object of such resolution.

Idem.

SEC. 3. Upon the passage of such resolution by the common council, it shall be the duty of the city attorney to prepare and file in the name of the city, upon the day fixed, with said justice, a petition signed in the name of the city by the city attorney in his official capacity, which shall allege the passage of said resolution and have attached a copy thereof certified by the recorder. Said petition shall describe all the lots, tracts, and parcels of private property proposed to be taken, and set forth the names of the owners, occupants, mortgagees, lessees and others interested in such lots, tracts and parcels respectively, so far as the same can be ascertained. Said petition shall set forth the improvement proposed to be made, and shall allege that the same is necessary for the public use, and that it is necessary to take the private property proposed to be taken for the public use therefor; and shall pray that a jury may be impaneled to determine whether it is necessary to make such improvement, and if so, whether it is necessary to take such private property for the public use therefor, and if so, to ascertain and determine the just compensation to be paid therefor, and to assess and apportion damages and compensation awarded to and upon all the taxable property of said city.

Damages and compensation how paid.

SEC. 4. The damages and compensation awarded by the jury, and assessed as above, together with all the costs and expenses of the proceedings shall be paid by the city and raised by a general tax to be levied and collected according to the provisions of this charter.

Duty of justice.

SEC. 5. Upon receiving and filing such petition, it shall be the duty of said justice to issue a summons forthwith against the respondents named in said petition, "and all other persons interested," stating the object of said petition, and commanding them, in the name of the people of the State of Michigan to appear before said justice at a time and place in said city to be named therein, not less than ten and not exceeding thirty days from the date of the same, to show cause, if any there be, why the prayer of said petition should not be granted.

Who to serve summons.

SEC. 6. Said summons shall be served by the marshal or any constable of said city, at least five days before the return day thereof, if the respondents can be found in said city, it shall be served by exhibiting to each of them the original and delivering a copy thereof, but if the respondents, or any of them, cannot be found in said city, it shall be served by leaving a copy thereof at their respective residences with some person of suitable age and discretion; and in case the respondents, or any of them, shall have no place of residence in said city, and shall not be found in said city, it shall be served by posting a copy of such summons on the premises; and before the return day of said summons a copy thereof shall be published in one or more newspapers published in said city for one week, and on or before the return day of said summons affidavits showing

due service and publication thereof shall be filed with said justice.

SEC. 7. If any person on whom said summons should be served is a minor under the age of fourteen years or an idiot, or person of unsound mind, and resides in said city, such service shall be made on his guardian, or, if none, then on the person who has the care of or with whom such infant, idiot or person of unsound mind resides. (On whom summons served in certain cases.)

SEC. 8. In case it shall appear to said justice that any person to be affected by the proceedings is an infant, idiot or of unsound mind, and has no guardian, said justice shall appoint a special guardian to attend to the interests of such person in said proceedings, who shall receive such compensation from the city for such services as he may render, not exceeding ten dollars, on the certificate of said justice, as said justice shall deem fair and reasonable. Duty of justice in certain cases.

SEC. 9. On the day and at the hour specified in said summons, or some other day and hour to be appointed at that time by said justice, the said justice shall call the case, and shall enter the appearance of all parties who appear in answer to said summons and the default and appearance [non-appearance] of those who do not answer, and if no sufficient cause to the contrary is shown, shall make an order on his docket that a jury be impaneled to determine the necessity of making the improvement described in said petition and of taking the private property therein described for public use therefor, and to fix, determine, apportion and assess the damages and compensation therefor as herein-before provided; and thereupon the marshal of said city shall attend before said justice, and shall write down the names of twenty-four disinterested freeholders of and residing in said city, who are qualified to serve as jurors, and who shall be approved by said justice, said marshal having been first duly sworn for that purpose. Said justice shall then issue a venire directed to said marshal, commanding him to summon the said twenty-four persons to be and appear before said justice to serve as jurors in said matter on some day to be named therein at a specified hour, which day shall not be less than three or more than ten days after the issuing of said venire. The marshal shall serve said venire at least two days before the return day thereof and make return in the same manner as in case of venires in civil cases before justices of the peace, and the persons thus summoned shall be bound to appear before said justice and serve until discharged, and said justice shall impose a fine upon any juror failing to attend or serve, not exceeding five dollars for each day's non-attendance or neglect to serve, to be imposed and collected, with the costs in the same manner as for jurors' failure to attend or serve in civil causes before justices of the peace; but jurors may be exempted or excused from serving for the same reasons for which jurors in such civil cases may be exempted or excused. When justice to call case. Proceedings.

Jurors, how
drawn.

SEC. 10. The names of the jurors in attendance and who do not claim to be exempt or are not excused from serving shall be written by said justice on separate slips of paper of equal size and appearance as near as may be, and be deposited by him in a box having a lid or cover. He shall then shake said box so as thoroughly to mix said slips of paper or ballots, and shall draw out impartially and openly so many of said slips or ballots containing names written thereon, one after another, as shall be sufficient to form a jury of twelve persons. In impaneling a jury the city shall be entitled to two and the respondents collectively to four peremptory challenges and to such challenges for cause as said justice shall allow.

Proceedings in
case of jurors
exempted.

SEC. 11. If, in consequence of jurors being exempted or set aside, there shall not be in the box any ballots, or a sufficient number of ballots from which to draw the jury, the marshal shall forthwith, under the order of the justice, summon such further number of freeholders of said city as said justice shall deem necessary, and may order them to be and appear before said justice forthwith, to serve as jurors, and the persons thus summoned shall be returned, be bound to attend before said justice, and serve, and be competent to form the jury in the same manner and to the same effect as those first summoned.

Who to be the
jury.

SEC. 12. The first twelve persons who shall appear as their names are drawn and called by said justice, or who appear as talesmen, when all the ballots have been drawn from the box, and who shall be approved by said justice shall be the jury, and they shall be sworn as follows: "You do solemnly swear; (or affirm,) that in the matter of the petition of the city of Battle

Oath.

Creek, to (as the case may be) now pending before me, you will well and truly ascertain whether the same is a necessary public improvement and if it is, whether it is necessary to take the lands described in said petition, or any part thereof, for public use for such improvement; and if you determine that it is necessary then you will ascertain, determine and award the just compensation to be made to any person therefor, and apportion and assess the same upon all the taxable property of said city, and will faithfully and impartially perform and discharge all other duties that may devolve upon you in this matter, and unless discharged by me, a true verdict give, ac-

Proceedings.

cording to the law and the evidence, so help you God." They shall go to the place of the intended improvement in charge of the marshal, and upon, or as near as practicable to, any property proposed to be taken and described in said petition, and shall then return to the office of said justice and hear the proofs and allegations of the parties and the arguments of counsel. They shall be instructed by said justice as to their duties and the law of the case and shall then retire under charge of the marshal, who shall be first duly sworn for that purpose, and they shall render their verdict in the same manner as on the trial of an ordinary civil case.

Sec. 13. ~~The jury shall first determine in their verdict the~~ **Duties of jury.**
 public necessity for making the proposed improvement, and if
~~they find such necessity they shall next determine whether it is~~
 necessary to take any or all of the lands described in said peti-
 tion for the public use for such improvement; and in case they
 find such necessity exists, they shall award to the owners of
 such property such compensation therefor as said jury may
 deem just. If any such private property taken shall be subject
 to a valid mortgage, lease or agreement, and the taking thereof
 for such purpose will impair such mortgage, lease or agree-
 ment, the jury shall apportion and award to the mortgagee,
 lessee, or persons interested in such agreement such portion of
 the compensation allowed for such property as they shall deem
 just, and if there are any buildings or other movable property
 situated on any land taken, the jury may, at the written re-
 quest of the owner, permit the same to be removed by the
 owner and allow him for the expense of the removal thereof,
 instead of damages for its value. Unless removed by the owner,
 as aforesaid, all buildings, fences, and other fixtures taken by
 such proceedings shall become the property of the city, and
 shall be sold at auction by the city treasurer, after giving no-
 tice of such sale by publication for five successive days in the
 daily editions of official papers, and by posting notice thereof
 in three public places in said city. The proceeds of such sale
 shall be applied toward the payment of the damages to be
 paid by the city. The damages for taking any lands belong-
 ing to the estate of any deceased person shall be awarded to
 such estate and paid to the executor or administrator thereof,
 or, if there be no such representatives, or they cannot be found,
 such damages shall be deposited in the city treasury to the
 credit of such estate, and shall be paid to the person entitled to
 receive the same.

Sec. 14. To assist the jury in arriving at the verdict, said **Justice may**
 justice may allow the jury, when they retire, to take with **submit to jury**
 them the petition filed in the case, and maps showing the **blank verdict.**
 proposed improvement, and the location and description of **etc.**
 each and all the parcels proposed to be taken, with the names
 of all parties interested in such property; and may also submit
 to them a blank verdict, which may be as follows: **Form of blank.**
 In the matter of the petition of the city of Battle Creek, to acquire
 title to lands of _____ for the public use for
 _____ we, the jury impaneled in
 the above matter, having given the same due consideration, do
 find and determine that the improvement proposed in said peti-
 tion is necessary for the public use and benefit, and that it is
 necessary to take for the public use therefor, such of the lands
 described in said petition as are hereinafter specified, and we
 do determine and award as damages and just compensation
 therefor the amounts hereinafter next set forth to the persons
 named:

Description of each parcel to be taken.	Names of owners and other persons interested to whom compensation is made.	Amount of compensation and damages.
.....
.....
.....
.....
.....
.....
.....

Which said damages and compensation we do hereby assess upon all taxable property of said city. We further find that it is not necessary to take the following described parcels for such public use, to-wit:

.....
.....
.....

In witness whereof we have hereunto set our hands."

Proceedings in case jury disagree.

SEC. 15. If such jury should be unable to agree upon a verdict, or for any cause, should fail to render a verdict, said justice shall, on the application of the city attorney, designate some day and hour when another jury may be impaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings after they are sworn, shall be had by them, and by and before said justice as provided for above after the first jury is sworn.

When justice may draw other jurors.

SEC. 16. If any juror, after being sworn, shall die, or from sickness or any other cause, be unable to discharge his duties as juror, said justice may draw another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers, and duties as those already sworn.

Justice to file verdict.

SEC. 17. On the rendition of a verdict by the jury the justice shall file the same and enter it upon his docket of the proceedings, and forthwith enter a judgment in accordance with said verdict.

Owners may appeal.

SEC. 18. Any party to said proceedings considering himself aggrieved by said judgment, may appeal therefrom to the circuit court for the county of Calhoun, or to any other court having jurisdiction of appeals from justices' courts, or may remove the same by certiorari within the same time and in the same manner as from other judgments rendered by justices of the peace. Said justice shall make return to said appeal or certiorari within the same time and in the same manner as in other cases.

Circuit court may affirm, reverse or modify judgments.

SEC. 19. Said circuit or other court shall hear, try and determine said appeal or certiorari, and may affirm, reverse or modify the judgments of said justice, but the same shall not

be reversed for matter of form, nor for any errors, except errors of law, and only in regard to the appellant or appellants, or the person or persons, or party removing the same by certiorari. The court shall give judgment for reasonable costs and expenses to be taxed in favor of the prevailing party, and in case of the affirmation the city of Battle Creek shall be allowed to apply the costs and expenses so taxed in its favor on and to be deducted from the damages and compensation, if any, to be paid to the party or parties so appealing or removing said proceedings by certiorari, and to have execution for the balance, if any there should be, as in other cases.

SEC. 20. In case of the reversal of the judgment of the justice, the common council, in behalf of said city, may by resolution, elect to pay the damage and compensation claimed by said appellant or appellants, or by the party or parties removing said proceedings by certiorari; and if the judgment of said justice be affirmed by said circuit or other court, such confirmation shall be final and conclusive as to all persons interested therein. The judgment of said justice shall be final, except as to the party or parties appealing therefrom or removing said proceedings by certiorari.

How council
may elect to
pay damages or
compensation.

SEC. 21. Within sixty days after final judgment the common council shall pay or tender to the respective persons entitled thereto the several amounts of damages and compensation awarded to them, as above provided for to be paid by the common council, and in case any person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council, in the treasury of the city to the credit of any person entitled thereto, and shall on demand pay the same over to any person competent and entitled to receive it.

Payment of
damages and
compensation.

SEC. 22. Upon such payment, tender, or deposit, the common council may enter upon, take possession of and convert the private property found necessary to be taken by said verdict, to the public use for the purposes for which it was taken. The city treasurer shall make on oath a certificate of his action in making such tender, payment or deposit, and file the same with the recorder. Whenever such judgment shall become final it shall be the duty of the recorder to procure a certified copy of the docket of said justice and file the same in the recorder's office. Said recorder shall then record the certificate of the treasurer and the certified copy of the docket at length in a book to be provided, used, and known as the "Book of Street Records," a certified copy of which record shall be deemed and considered evidence in all courts and places of the matters therein contained, and of the regularity of all proceedings from the commencement thereof to, and including the final judgment.

When council
may take pos-
session.

Compensation
of jurors.

SEC. 23. The common council shall pay said jury before the justice such compensation for their services as is paid to jurors in justice's courts; and they shall have the power to abandon or discontinue such proceedings at any time before final judgment.

CHAPTER XXV.

BY-LAWS AND ORDINANCES AND PROCEEDINGS UNDER THE SAME.

Publication of
ordinance.

SECTION 1. No by-law or ordinance shall be of any effect until the same shall have been published at least once in each week for two successive weeks, in at least one newspaper printed and published in said city, unless otherwise directed by the vote of two-thirds of all the aldermen elect at the time of its passage.

Proceedings,
etc., of council
may be read in
evidence in
courts of jus-
tice.

SEC. 2. All by-laws, ordinances and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officers, body or board in which it shall be necessary to refer to the same either:

First, From a record thereof, kept by the recorder; or,
Second, From a copy thereof certified by the recorder with the seal of the city annexed thereto; or,
Third, From any volume of by-laws or ordinances purporting to have been printed by authority of the common council, and such record, certificate, copy or printed volume shall be prima facie evidence of such by-laws, ordinances and proceedings, without other proof of the enactment thereof, publishing, or any other thing concerning the same.

Who may exe-
cute process.

SEC. 3. The sheriff, under-sheriff and the general deputies of the sheriff of the county of Calhoun, the constables of the city of Battle Creek, the chief of police, and policemen of said city, shall have and are hereby vested with power and authority to serve or execute any process of any court in any suit, action, prosecution or proceedings, for a violation of any of the by-laws or ordinances of the common council of said city, or arising under this act, except as otherwise provided in this act.

When recorder
or justice to
issue warrant.

SEC. 4. In all prosecutions for a violation of any of the by-laws or ordinances passed by said common council, or for any violations of any of the provisions of this act; upon complaint being made upon oath before the recorder or any justice of the peace of said city, setting forth therein the substance of the offense complained of, such recorder or justice shall issue a warrant in the name of the people of the State of Michigan for the apprehension of the offender, directed to the chief of police of the city of Battle Creek, or to any constable of the county of Calhoun, except as in this act is otherwise provided, and such process may be executed by any of said officers anywhere in said county of Calhoun and shall be returnable the same as other similar process issued by justice of the peace.

Sec. 5. That upon bringing the person so charged before said recorder, or justice of the peace, he shall plead to said complaint, and in case of his refusing to plead thereto, or standing mute, the said recorder or justice of the peace shall enter the plea of not guilty for the person so charged. It shall be the duty of any officer making any arrest to immediately notify the city attorney of the same, and it shall then be his duty to take charge of the prosecution of the case.

Person brought before.

City attorney to prosecute.

Sec. 6. That upon said complaint and plea a trial shall be had; and upon conviction of said offender and the imposition of a fine, it shall be the duty of the recorder or justice of the peace before whom such conviction shall be made, to issue a commitment directed to the chief of police of said city, or to any constable of said county of Calhoun, or to any other officer provided by this act, commanding him, in default of the payment of such fine and costs within the time fixed for the payment thereof, that he take the body of the defendant and commit him to the common jail of said county, or to any prison, workhouse, or house of correction in said city, or to the State house of correction at Ionia, as may be provided by the provisions of this act, or by any by-law or ordinance of the common council; or as may be fixed in the sentence imposed by such recorder or justice of the peace; and the sheriff or keeper of any such jail, prison, workhouse, house of correction, or of the State house of correction at Ionia, shall receive and safely keep the body of the person so committed, until such fine and costs be paid, or until he shall be discharged by due course of law; and in cases when imprisonment alone shall be imposed upon the person so convicted, said recorder or justice of the peace, shall issue a commitment directed as aforesaid commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment or until he be discharged by due course of law; and in any case in which both fine and imprisonment are imposed upon the person so convicted by the judgment of such recorder or justice of the peace, he shall issue the necessary process to carry such judgment into effect; and it shall be lawful to use the common jail of said county, any city prison, workhouse, or house of correction, or the State house of correction at Ionia, for the imprisonment of persons liable to imprisonment under the by-laws or ordinances of the common council, or by virtue of the provisions of this act; and all persons committed by the recorder or any justice of the peace of said city, for the violation thereof shall be in the custody of the sheriff of said county or the keeper of such prison, workhouse, house of correction, or the State house of correction at Ionia, as the case may be, who shall safely keep the person so committed, until lawfully discharged, as in other cases; *Provided*, That the common council may remit any such fines in whole or in part, for good cause shown by the concurring vote of two thirds of all the aldermen-elect; and, *Provided further*, That all costs and expenses incurred under

Trial.

Proceedings upon conviction.

Proviso.

the provisions of this section shall be provided for and paid out of the treasury of said city.

Trial by jury.

SEC. 7. In all trials before the recorder or any justice of the peace under the provisions of this act of any person or persons charged with any violation of any by-law or ordinance of the common council, he or they shall be entitled to a trial by a jury of six persons, and all the proceedings for selecting and summoning such jury, and in the trial of the cause shall be in conformity, as near as may be, with the mode of proceeding in criminal cases before justices of the peace and within the same time; and in all cases the right of appeal or certiorari from said court to the circuit court for the county of Calhoun, or to any court having jurisdiction, shall be allowed to the parties, or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in the appeals or proceeding by certiorari from justices courts in criminal cases.

Certain persons not incompetent to act as witnesses or jurors.

SEC. 8. In all suits or proceedings in which the city of Battle Creek shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror, or to discharge the duties of any judicial office on account of his interest in the event of such suit, action or proceeding: *Provided.* Such interest be such only as he has in common with the inhabitants of said city.

Proviso.

Proceedings in case violators escape to other counties in State.

SEC. 9. Whenever any person or persons charged with having violated any of the ordinances of the common council or of the provisions of this act, by which the offender is liable to imprisonment; shall have escaped from the county or shall reside or be without the limits thereof, the recorder or any justice of the peace of said city, to whom complaint shall be made, shall issue a warrant in the name of the People of the State of Michigan, directed to the sheriff of any county in this State, commanding him to arrest and bring the body of such person or persons before him to be dealt with according to law, and which may be served in any part of this State; and any sheriff to whom said warrant shall be delivered for service is hereby required to execute the same under the penalties which are incurred by law by sheriffs and other officers for neglecting or refusing to execute criminal process.

CHAPTER XXVI.

FINES.

Fines to be paid into treasury.

SECTION 1. All fines recovered for a violation of any by-law or ordinance of said city, except as hereinafter otherwise provided, shall be paid into the treasury of said city by the officer or person receiving the same immediately after receiving the same; and any person who shall neglect or refuse to pay the same as aforesaid shall be deemed guilty of a misdemeanor,

Neglect to pay a misdemeanor.

and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment, in the discretion of the court; all fines recovered for any violation of any law of this State and for a violation of any by-law or ordinance of said city, which the law requires to be paid to the county treasurer shall be paid to the treasurer of the county of Calhoun, and all expenses and costs of apprehending, examining, trying and committing offenders against any of the laws of the State, or against any such by-law or ordinance of said city, where the fines, when recovered are by law required to be paid to the county treasurer, shall be audited, allowed and paid by the board of supervisors of the said county of Calhoun, the same as if such expenses and costs had been incurred in any township of said county. ^{Penalty.}

CHAPTER XXVII.

ASSESSMENT AND REVIEW.

SECTION 1. The city assessors shall in each year on or before the second Monday in June assess the property in said city liable to taxation under the general tax laws of this State, now or hereafter in force, and they shall for the purpose of such assessment, have all the powers, and perform all the duties of supervisors of townships in this State. They shall divide the assessment roll into separate parts, one for each ward in the city, assessing all the real estate in the ward in which the same, or any part thereof is situated. The personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person, the board of review hereinafter mentioned, may specify the ward in which any person shall be assessed for personal property belonging to such person, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for such property. Such assessors shall have and exercise the same powers and duties relating to the making of assessment rolls as are or may be given to supervisors of townships by the general tax laws of the State, and they shall be governed by such laws except as herein otherwise provided. After such assessment roll shall have been completed, the city assessors shall, on the second Monday in June in each year deliver said assessment roll to the board of review of said city. ^{When assessors to assess property.}

SEC. 2. The aldermen of each of the wards having the shortest time to serve shall constitute the board of review, whose duty it shall be, after said assessors of said city shall have completed their assessment roll, and previous to the days ap- ^{Who to constitute board of review.}

pointed by law for review of the same, to meet with said assessors on some day to be appointed by them, and carefully examine, inspect and compare the whole of said roll.

When board to meet.

Sec. 3. The said board of review shall meet at the common council rooms in said city on the second Monday and the Tuesday and Wednesday following in June in each year for the purpose of reviewing the assessment roll as provided by law. Said board of review shall upon meeting organize by choosing a chairman and clerk from their number, and all changes in the assessment roll shall be by vote, on motion and resolution. A record of all proceedings of said board shall be kept, and three members thereof shall constitute a quorum to do business.

Record of proceedings to be kept.

Compensation.

Sec. 4. The members of said board of review shall receive for their services, the same compensation per day, as is paid to said assessors which shall be paid by the city.

CHAPTER XXVIII.

TAXATION, ASSESSMENT, COLLECTION.

Power of council relative to taxes.

SECTION 1. The common council shall also have authority and power to assess and levy taxes upon the real and personal property within the limits of said city, to the extent that it shall be deemed necessary by the common council, not to exceed one per cent on the valuation, for the purpose of being expended on the streets, sidewalks, crosswalks, bridges, lanes, alleys, and public grounds of the city, in opening, working upon, repairing buildings, and grading such streets, sidewalks, crosswalks, bridges, lands, alleys, and public grounds; and the manner of levying and collecting such taxes and the returning of property for the non-payment of such taxes and the sales and redemption of the same shall be the same, as near as may be, as other city taxes are to be assessed and collected; and it shall be the duty of the common council to expend the money so raised for the purposes aforesaid by contract or otherwise.

Additional powers.

Sec. 2. The common council shall have the power and authority, in addition to the tax provided for in the preceding section for streets, sidewalks, crosswalks, bridges, lanes, alleys, and public grounds, to levy and collect taxes on all of the real and personal property within the limits of said city by them deemed necessary, not exceeding one per cent each year of the valuation of the real and personal property in said city, as determined by the assessment roll for that year, for the ordinary municipal expenses not provided for in the preceding section of this chapter, and not exceeding four per cent in each year on the aforesaid valuation for the purpose of paying any indebtedness of said city; and all city taxes provided for by this act to be assessed, levied and collected, shall be so assessed, and levied previous to the second Monday of July in each year, and shall be collected on or before the twentieth day of August in

each year, and on all sums voluntarily paid before the twentieth day of August, in each year, he shall add one per cent for collection fees, and upon all taxes paid on or after the twentieth day of August he shall add four per cent, and said collection fees shall go into the general fund of said city; but it shall not be necessary to make but one assessment in each year.

SEC. 3. The common council shall also have power and authority to make, establish and enforce all necessary by-laws and ordinances for the collection of all taxes assessed under this act. Idem.

SEC. 4. The taxes thus assessed shall become at once a debt to the city from the person to whom they are assessed, and the amount assessed on any real or personal property shall be and remain a lien on such real or personal property for the amount of the taxes, interest and charges thereon from the second Monday of July of the year in which such assessment is made until paid. Taxes to become a debt to the city.

SEC. 5. It shall be the duty of the city assessors whenever the city assessment shall have been completed and prior to the second Monday of July each and every year to assess the taxes, that have been levied by the common council. Duty of city assessors as to taxes.

SEC. 6. Said city assessors shall on the second Monday of July in each and every year thereafter deliver to the treasurer a copy of said assessment roll, with the taxes annexed to each valuation, and such portion of said taxes as is levied on account of any indebtedness of the city shall be carried out in one column, and so much thereof as is levied for all other expenses of said city shall be carried out in another column, and the totals of all of said portions shall be carried out in the last column of said roll. Assessment roll, when assessors to deliver copy of.

SEC. 7. They shall annex thereto a warrant under the hands of the assessors and mayor with the seal of the city affixed, commanding the treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their names, on or before the twentieth day of August of that year; and it shall authorize the treasurer in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons, in the same manner as is or shall be provided by law in cases of township treasurers. When treasurer to collect tax.

SEC. 8. It shall also be the duty of the assessors to make a separate assessment roll for the collection of taxes levied and assessed for State, county and school purposes, but it shall not be necessary to make a new or different assessment therefor. Said State, county and school taxes shall be carried out in separate columns, and they shall also carry out the total amount of taxes in the last column of said roll, and a copy thereof shall be delivered to the treasurer of said city in the manner hereinafter specified, and on all of said taxes paid voluntarily before the tenth day of January of the succeeding

Duty of assessors relative to certain assessments.

year the treasurer shall add one per cent for collection fees and upon all taxes paid on or after said tenth day of January or such other date as shall be fixed by the laws of this State, he shall add four per cent.

Assessors to deliver copy of roll to treasurer.

SEC. 9. Said assessors shall deliver to said treasurer a copy of said assessment roll within the same time provided for townships, and shall annex thereto a warrant under the hands of the assessors and mayor with the seal of the city affixed commanding the treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their respective names, on or before the day specified in said warrant; and it shall authorize said treasurer in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons in the same manner as is or shall be provided by law in case of township treasurers. Whenever the common council shall fix a salary for said treasurer, as they are hereby authorized to do, then said percentage collected by him on all taxes shall be paid into the general fund of said city for the use of said city.

When percentage collected by treasurer to be paid into general fund.

Duties of treasurer on receipt of rolls.

SEC. 10. The treasurer upon receiving the several tax rolls shall proceed to collect the taxes therein mentioned, and in case of neglect to pay such taxes, shall levy the same by distress and sale of the goods and chattels of every such person wherever found in said city, and may take any property that can be taken by township treasurers in the collection of taxes. He shall give the same notice and shall sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus on such sale shall be returned to the person in whose possession said property was when the distress was made. Said treasurer shall within ten days after the time mentioned in his warrant for the collection of said city taxes, return said tax-roll into the office of the recorder; said treasurer shall also within ten days after the time mentioned in his warrant for the collection of State, county and school taxes, return the duplicate of said tax-rolls into the office of the recorder; and in case any of the taxes mentioned in either of said rolls shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.

When recorder to issue new warrant.

SEC. 11. Whenever the treasurer shall not be able to collect any city tax on personal property, on account of the absence of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the treasurer for the collection of such tax; and thereupon said warrant shall be and remain in full force for

the purposes of such collection as long as shall be directed by the common council; and the treasurer shall charge and collect interest on all such taxes at eight per cent per annum from the time of returning the tax roll until the day of collection; the common council; and the treasurer shall charge and collect been placed in the hands of the treasurer for collection, extend the time for the collection thereof, in their discretion not exceeding sixty days from the original return day thereof: *Provided*, That the time for the collection of State, county and school taxes shall not be extended for a greater length of time than is or may be provided by law for the extension of the time for the collection of taxes by township treasurers; and it shall also be lawful for the treasurer, in the name of the city, to sue the person or persons against whom any such personal property tax was assessed, after the return of the assessment roll, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law, including proceedings by garnishment for the collection of debts, to enforce the payment of any such tax. Executions issued upon judgments rendered for every such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes; and the proceedings of any officer with such execution shall be the same in all respects as is now or shall be hereafter directed by law.

SEC. 12. The production of any assessment roll on the trial of any action brought for the recovery of any tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed of the city, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be prima facie evidence of the legality and regularity of the same; and the court before whom the case may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax, and no stay of execution shall be allowed on any such judgment.

CHAPTER XXIX.

SALE OF LANDS FOR TAXES—REDEMPTION.

SECTION 1. The recorder shall, immediately after receiving from the treasurer the statement of unpaid city taxes transcribe the same into a book to be provided and kept for that purpose, and shall, under the direction of the common council, and in pursuance of the ordinances and resolutions of said common council, proceed to sell at public sale so much of said lands so returned on account of the non-payment of the taxes thereon as shall be necessary to satisfy the amount of taxes, together with such amount as shall be directed by the common council,

Proviso.

Time limit for redemption of lands sold for taxes.

When recorder to execute conveyance of lands.

to cover the expenses of such sale, notice of which sale shall be given by publication in one newspaper published in said city, once in each week for four successive weeks immediately preceding such sale; and said recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate describing the lands purchased and the time when the purchaser will be entitled to a deed for the same, and in case a less amount than the whole of any such description should be sold, the part so sold shall be taken from the north or northerly side or end thereof, and shall be bounded on the south or southerly side or end thereof by a line running parallel with the north or northerly boundary line thereof; *Provided*, That if any parcel of land cannot be sold to any person for the taxes and charges, the recorder shall bid the same off to said city, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser thereof. Upon completion of said sale the recorder shall deliver to the treasurer a detailed statement of such sale, containing a description of the premises sold, the particular tax and amount for which the same was sold, and the names of the purchasers, which shall be transcribed in a book to be provided for and kept by said treasurer, and said recorder shall also pay to said treasurer, at the same time all the moneys received upon such sale.

SEC. 2. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year next succeeding such sale, redeem any parcel of said lands, or any part of or interest in the same, by paying to the treasurer of said city the amount for which such parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent per annum, fifteen per cent of which shall be paid to the purchaser, but in no case shall the interest be computed for a less time than three months from the day of sale; whereupon the treasurer shall issue and deliver to the person making such payment a certificate of the redemption thereof; and he shall, at the expiration of the year after the making of said sale, deliver to the recorder of said city a statement of all the lands that have been redeemed as aforesaid, and the amounts paid for such redemption.

SEC. 3. Upon the presentation of any such certificate of sale to the recorder after the expiration of the time for redemption of the lands sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate, in fee simple, subject to all the claims the State may have therein; and the same conveyance shall be prima facie evidence that the proceedings were regular, according to the provisions of this act, from the valuation of the same by the assessors to the date of the deed and every such conveyance, duly made and

acknowledged, may be given in evidence in all courts and places in this State, in the same manner and with the like effect of any conveyance of real estate or any interest therein; and the common council may, upon satisfactory evidence, upon oath of the payment of any tax upon real estate, and that the same has been returned for non-payment, by mistake or otherwise, improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale before the lands therein described have been conveyed as aforesaid, and thereupon, the recorder shall draw an order upon the treasurer countersigned by the mayor, for the amount of the purchase money, with interest on said amount at ten per cent; and no deed shall be given upon such certificate of sale. And every such deed, when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases, and after it shall have been on record two years in the office of the register of deeds in and for said county of Calhoun, except;

First, When the same shall be annulled according to law;

Second, When the land sold was not subject to taxation at the date of the assessment of the taxes for which it was sold;

Third, When the taxes have been paid to the proper officer within the time limited by law for the payment or redemption thereof; or,

Effect on properly acknowledged deeds.

Exceptions

Fourth, When a certificate that no taxes were charged against the land has been given by the proper officers within the time limited by law for the payment or redemption thereof, shall be positive evidence that the lands therein described were by such deed conveyed in fee simple to the grantee therein named and his heirs and assigns. And no suit in ejectment shall be commenced to recover said lands, or title thereto sustained thereafter, by any person claiming or holding possession or title through any other source.

CHAPTER XXX.

INDEBTEDNESS—BONDS.

SECTION 1. The common council shall have and are hereby vested with full, ample and complete authority, whenever they shall deem it necessary and for the best interests of the city, to issue the bonds of said city, in such form, payable at such time or times, and at such rate of interest, not exceeding five per cent per annum, as they shall determine, for the purpose of funding or paying any indebtedness of said city, or to provide for the construction of water-works, or sewers, or the introduction of water in said city, or for the extension of water-works or sewers, or provide for the construction or purchase of an electric light plant or works, or a gas plant or works for lighting the streets, public buildings and grounds or for conduits or for public buildings and parks, or for paving or repaving the

Power of council as to bonds.

Proviso.

streets of said city, but for no other purpose whatever: *Provided*, No bonds shall be issued to provide for the construction of water-works or introduction of water in said city, or for the extension of water-works or to provide for an electric plant or works, or for a gas plant or works or for conduits or for public buildings or parks, or for paving or repaving the streets until a majority of all the electors voting upon said question shall have voted in favor of making such improvement, either at any charter election or at a special election called by the common council for that purpose, at such time and in such a manner as the common council shall specify. The issuing of bonds, authorized under chapter thirteen of this act, need not be submitted to the electors of said city: *And provided further*, That no more than fifty thousand dollars of such paving bonds shall be outstanding at any one time: *And provided further*, That the entire indebtedness of the city of all kinds, shall at no time be permitted to exceed the amount of five per cent of the assessed valuation of said city, as the same shall then stand equalized by the board of supervisors of Calhoun county; and neither the electors nor the common council of said city, shall have any authority to in any manner, either by bonds or otherwise, increase the amount of indebtedness of said city above that amount.

Further proviso.

Further proviso as to indebtedness.

CHAPTER XXXI.

REASSESSMENTS.

When council may cause new assessment.

SECTION 1. Whenever any special assessment heretofore or hereafter made shall, in the opinion of the common council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the common council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings for such reassessment and for the collection thereof shall be conducted as near as may be in the same manner as provided for the original assessment; and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied: *Provided*, That no judgment or decree of any court or any act of the common council rejecting or vacating a special assessment shall destroy or impair the lien of the city on the premises assessed for such amount of assessment as may be equitably charged against the same or as by a regular mode of proceeding may have been lawfully assessed thereon.

Proviso.

CHAPTER XXXII.

FINANCES, REPORT OF SAME.

SECTION 1. No money shall be drawn from the treasury unless in pursuance of previous appropriations specifying the purpose thereof; and any order or warrant directing or requiring the payment of the same shall specify the object and purpose of such payment, and shall be signed by the recorder and countersigned by the mayor of said city.

Moneys, how
drawn from
treasury.

SEC. 2. The common council shall, at least once in each and every year, and during the week immediately preceding the annual charter election, cause to be published in at least one newspaper printed in said city, or in pamphlet form, if directed by the common council, a just and true account of all the moneys received or expended by them in their corporate capacity during the year or other period next preceding such publication, and also the disposition thereof, previous to which they shall audit and settle the accounts of the city treasurer, and the accounts of all other officers or persons having claims against the city, or accounts with it, and shall make out in detail a statement of all receipts and expenditures; and which statement shall fully specify all appropriations made by the common council, and the object and purpose for which the same were made, and the amount of money expended under such appropriations, the amount of taxes raised, the amount expended on highways, streets, bridges, sidewalks, crosswalks, lanes, alleys and public places, and all such information as shall be necessary to a full and perfect understanding of the financial affairs of the city.

When council
to publish
statement.

Statement,
what to contain.

CHAPTER XXXIII.

OFFICERS, BONDS, COMPENSATION.

SECTION 1. The recorder, treasurer and assessors shall respectively, before they enter upon the discharge of the duties of their respective offices, give such security for the faithful performance thereof, and trusts reposed in them as shall be prescribed by the ordinances of the city.

Certain officers
to give security.

SEC. 2. The recorder, treasurer, street commissioners and all other officers of said city, shall receive such compensation for their services as the common council may deem right and proper, unless the same is fixed by the provisions of this act, but the mayor and aldermen shall receive no compensation for their services, except in the cases herein otherwise or by law provided.

Compensation.

CHAPTER XXXIV.

ELECTRIC LIGHT PLANT.

Powers of council relative to electric light plant.

SECTION 1. If the common council, at any time, shall decide to purchase or construct an electric light plant, or works for the purpose of lighting the streets, public buildings and grounds of said city, and furnishing commercial light and power, they shall have power to purchase, take and hold, in the name of the city of Battle Creek, such real estate situated either within or without said city, as shall be necessary for such works or plant, and afford necessary room for the construction thereof and the appurtenances, and all structures, erections and appliances necessary in connection therewith and to construct thereon an electric light plant and works.

Idem.

SEC. 2. And the common council may provide materials and construct said works, or any part thereof, or if they shall deem it better for the interests of the city to have the work done and the things needed for the same or any part thereof supplied by contract, effected under biddings called out by advertisement, they shall proceed to advertise for bids in such manner as the common council shall deem best, and to let the doing of the work, including the finding of all things to be found by the contractor, to the lowest responsible bidder, who shall give adequate security for the performance thereof under the supervision and direction of said common council: *Provided however*, That in case of any bidding as aforesaid, when the common council shall be satisfied that collusion has existed between bidders, or between bidders and others or that any other practices have occurred against the interests of the city, or that a present letting is not advisable, it shall be competent for the common council to cancel the offer for bids, and no such cancellation shall bring any liability on the city or common council; or the said common council may, for the purposes aforesaid, in their discretion, if they shall deem it for the best interests of the city, purchase an electric light works or plant already built and constructed, if they shall have an opportunity to do so: *Provided however*, That no such electric light plant or works shall be constructed or purchased until the amount of money appropriated and used therefor shall have been fixed by a majority of all the electors of said city voting upon said question, either at any charter election or at a special election called by the common council for that purpose, at such time and in such manner as said council shall specify.

Proviso.

Further proviso.

Council may operate plant, fix and collect rates.

SEC. 3. And in case said common council shall either construct or purchase any such electric light plant, they shall have authority to operate the same for such public and commercial purposes, and shall have power to fix rates for such lighting, and power and authority to collect the same in an action in assumpsit, in the name of the city, in any court of

competent jurisdiction; and all moneys received therefrom shall be paid into and credited to the general fund of the city; and shall also make rates and regulations by ordinance or otherwise, as may be necessary to give effect to this act.

CHAPTER XXXV.

CIRCUIT COURT—JURORS.

SECTION 1. The mayor and recorder, with the aldermen of each ward, shall select and return lists of grand and petit jurors for the circuit court for the county of Calhoun, unless it may be otherwise provided by law, in the same manner and within the same time as is or shall be required of township officers in this State, and in selecting and returning said grand and petit jurors, each ward of said city shall be considered and treated as a separate assessment district. The assessors, justices of the peace, recorder and other officers of said city, who are required to perform the duties of township officers of this State shall take oath, give the bonds, perform the duties, and receive the same pay, and in the same manner, and be subject to the same liabilities as are provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

Who to select jurors.

Certain officers to take oath and give security.

CHAPTER XXXVI.

PLA

SECTION 1. No private plat or plan shall be recorded by the register of deeds of Calhoun county or be of any validity until approved by the common council, and such approval indorsed thereon by the certificate of the recorder of said city and a copy of the plat filed with the recorder, and no such approval shall be granted by the common council unless the streets thereof correspond in width and direction or are so arranged as to be continuous and properly connected with those of the adjacent parts of the city, and before action is taken on same, the same shall be referred to a committee of the common council and the city engineer who shall each report in writing.

Private plats or plans to be approved by council before recorded.

SEC. 2. And no money shall be expended on any proposed street in said city until the same has been accepted by the common council on a report of an authorized committee and the city engineer, and until the owner or owners thereof shall have, at their own expense, graded said proposed streets fit for travel and the grade of said street is established, when the city engineer shall find that the same can be properly established.

Money not to be expended for street until accepted by council.

CHAPTER XXXVII.

DISORDERLY PERSONS.

Who construed
as disorderly
persons.

SECTION 1. All persons being habitual drunkards, destitute and without visible means of support, or who, being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, being complained of by any member of such families, or by the mayor, any alderman, the chief of police, any constable, or police officer of said city; all able-bodied and sturdy beggars who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, railroad depots, buildings, or cars, outhouses, market-places, sheds, barns, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, and place themselves in streets, lanes, alleys or other public places, or beg or receive alms within said city; all persons who neglect or refuse to provide for their wives or children according to their means; all persons who shall frequent and be harbored in houses of ill-fame; who shall secure or provide business for such houses by inducing persons to visit the same, and who shall derive any profit or gain from such acts, or reward or share of the receipts or profits from the women residing or being in such houses, or who shall be, in consideration of such acts, in whole or in part supported by said women, shall be deemed vagrants, and may, upon conviction before the recorder or any justice of the peace of said city, be sentenced to confinement at hard labor in the county jail, or in any prison, work-house, or house of correction in said city, for any term not exceeding three months.

CHAPTER XXXVIII.

THE GRANTING OF FRANCHISES.

Time limit of
franchises.

SECTION 1. No franchise shall hereafter be granted for a longer period than twenty years, and the right of the city to acquire the same at the expiration of said term or at any time during said term and the method of determining the value thereof, shall in all cases be included in said franchise.

When amend-
ment of fran-
chise to receive
final action.

SEC. 2. No ordinance granting or amending any franchise shall receive final action until the second regular meeting of the council, after the introduction of the same.

Votes required
to pass.

SEC. 3. And no such ordinance granting or amending any such franchise shall be passed without the concurring vote of two-thirds of all the aldermen-elect.

CHAPTER XXXIX. .

ADDITIONAL POWERS AND DUTIES OF THE COMMON COUNCIL.

SECTION 1. Whenever a petition shall be presented to the common council signed by such number of freeholders of said city as shall be equal to fifteen per cent of the votes cast at the last preceding election, praying that any amendment or amendments to the city charter, in such petition described, be made, it shall be the duty of the common council to submit such amendment or amendments to the next session of the legislature of this State for its consideration.

Duty of council
relative to
charter amend-
ments.

SEC. 2. That whenever any such petition shall be presented to the common council, praying that the question of whether any particular ordinance shall be passed, or public improvement made, or bonds issued for such improvement, or that any ordinance already passed be repealed, be submitted to the electors of said city for their determination, the common council shall by resolution submit the said proposition or question to the electors of said city at the next charter election, or at a special election called therefor, for their determination.

Ordinance.

SEC. 3. It shall be the duty of the common council to confirm or reject a nomination to office made by the mayor as in this act hereinbefore prescribed, and in no case shall action thereon be delayed more than ten days from the time such nomination was made, and no person whose appointment has been rejected by the common council shall be eligible for appointment to the same office during the municipal year in which he was so rejected.

Nominations by
mayor.

SEC. 4. That the aldermen of said city may be paid such salary as a majority of the electors of said city, voting on said proposition, at any charter election may determine, and it shall be lawful for the common council to submit such question to the electors of said city for their determination at any annual charter election hereafter held.

Compensation.

CHAPTER XL.

POLICE COMMISSION.

SECTION 1. On the third Monday of April A. D. nineteen hundred or as soon thereafter as may be the common council, upon the nomination of the mayor, shall appoint four suitable persons, electors of said city, not more than two of whom shall belong to the same political party, and who shall be ineligible to any other office under this charter while holding said office, and said persons so appointed with the mayor shall constitute a board of police commissioners for the city of Battle Creek;

When
appointed.

Term of office.	one of said commissioners shall be appointed for one year; one for two years; one for three years, and one for four years, and the common council upon the nomination by the mayor shall, on the third Monday of April of each and every year after the year A. D. nineteen hundred, or as soon thereafter as may be, appoint one commissioner for the term of four years, and each of said commissioners shall hold office until his successor is elected and qualified. The mayor shall be ex-officio chairman of said board. A majority of said board shall
Power of.	constitute a quorum. Said board shall have full power to try and determine all complaints against the chief of police, or any policeman or watchman of said city, and to remove them or any of them summarily, or on conviction of insubordination, neglect of duty, or violation of the city ordinances, rules and regulations, or of any laws of the city or State, made or hereafter to be made for the government of the police department of the city of Battle Creek. Said commissioners shall receive
To receive no compensation.	no compensation, and they shall be removed for the same causes, and upon the same proceedings as a member of the common council. In case of a vacancy, the common council shall upon the nomination of the mayor, appoint some person to fill the unexpired portion of the term. The recorder shall be clerk of said board, and shall keep its records, and cause the proceedings to be published in some newspaper published in said city within five days, after each session: <i>Provided however</i> , That no part of said proceedings relating to the detective work of said department need be published.
Vacancy, how filled.	
Who to be clerk.	
Proviso.	
May subpoena witnesses.	SEC. 2. Said board shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and to do such acts as may be lawful to be done by any court for the purposes mentioned in section one of this chapter.
Shall appoint policemen.	SEC. 3. The said board shall appoint a chief of police and other officers, and such number of policemen with pay, as the common council may provide for the payment of, and such number of watchmen without pay, as said board shall deem expedient. The chief of police and other officers and policemen with pay shall be divided as nearly as may be into three divisions, the members of one division of which shall be appointed for one year, and of the second division for two years and of the third division for three years from the first Monday in May A. D. nineteen hundred and appointments shall thereafter be made for three years. In time of special emergencies or apprehended danger from riot, or other cause of alarm, said board may appoint as many patrolmen, with or without compensation as they may deem expedient. They shall also appoint a keeper of the city prison. No person shall be appointed to any position by said board, who is not a citizen of the United States and who has not resided in said city at least five years next preceding such appointment.
Appointees to be citizens.	

SEC. 4. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointment and discipline within said city. It shall have the custody and control of all public property, books, records and equipments belonging to the police department, but nothing in this section contained, shall be held to abridge or annul the powers of the mayor as the chief executive officer of the city, as in this act prescribed.

To have control
of police force.

SEC. 5. All members of the police force shall, before entering upon the duties of their office, make and file with the city recorder their official oath according to law, and thereupon they shall possess all the common and statutory powers of constables and sheriffs, except for the service of civil process; they shall have the power to serve any subpoenas, warrants, orders, notices, papers, or process issued or directed by any justice of the peace or court, in criminal cases in the State of Michigan in the execution of the laws of this State for the prevention of crimes or the punishment of offenders; it shall be their duty to serve all summons, subpoenas, warrants, commitments, orders, notices, papers, processes whatever, issued out of the recorder's court, or by the several justices courts of said city, in all cases brought for the violation of the city ordinances and in all civil cases wherein said city is a party, in any proceedings, except as herein otherwise provided, and shall attend upon said recorder's court, and upon the several justices courts of said city, whenever said court is engaged in the trial of criminal or civil cases wherein said city is a party or is interested.

Powers of
policemen.

SEC. 6. The common council shall fix the compensation of the chief of police and other appointees of said board, and all claims for the same and all accounts approved by said board shall when certified by the said board, be submitted to the common council for allowance and payment in the same manner as other claims against said city, and the board shall prepare and submit to the common council on or before the second Monday in May, or as soon thereafter as may be, in each year, an estimate of the expenses of the police department for the ensuing year; and shall report to the council monthly the condition and needs of the department, together with such claims and accounts against the city as have been approved by said board.

Council to fix
compensation.

SEC. 7. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one week's notice therein, in writing to the chief of police, and no person who shall withdraw or resign without giving such notice, or who shall have been removed from the police force for cause, shall be reappointed by the board of police commissioners to any office in the said police force, except on unanimous vote.

Not to resign
without a
week's notice.

Disposition of
certain prop-
erty seized by
police.

SEC. 8. All property or money seized by the members of the police force, on suspicion of having been feloniously obtained, or of being the proceeds of crime; also all property coming into the possession of said police by finding or otherwise; and all moneys or property taken by any member of said force from any intoxicated or insane person, or person otherwise incapable of taking care of himself, shall be forthwith delivered to the keeper of the police station, and by him registered in a book kept for that purpose, together with the name of the owner, if ascertained, time and place, when and where found or taken, and the name of the officer by whom found or taken. And in the case of all lost money or property, or property or money seized upon suspicion of having been feloniously obtained, or being the proceeds of crime, the said keeper shall, within five days after seizure or finding of the same, post up at the police headquarters of said city a notice describing briefly the property seized or found, and the date, place and circumstances of finding or seizure. And all such property and money shall be retained by said keeper, irrepleviable until disposed of as hereinafter provided. Any member of the said police force who shall neglect or refuse to deposit with the keeper of said police station the property taken or found, as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction, fined a sum not less than the value of the property taken or found, and not exceeding one thousand dollars and imprisonment not exceeding one year.

Penalty for vio-
lation of
section.

Moneys and
property, how
disposed of.

SEC. 9. The moneys and property seized, taken or found under the provisions of section eight shall be disposed of as follows:

First, All moneys and property taken from an intoxicated or insane person, or person otherwise incapable at the time, of taking care of himself, shall be restored to such person, or his proper legal representatives, as soon as the immediate necessity for such seizure, on account of the intoxication or incapacity of such person has ceased;

Second, All lost property, the ownership of which may be unknown, shall remain in the hands of the keeper of said police station, until satisfactory proof, under oath, by any claimant shall have been made and filed with the said keeper together with the bond hereinafter provided for;

Third, All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, shall remain in the custody of said keeper until such time as the person, from whom the same may have been taken, shall have been tried and said cause determined, and the court before which such person shall be tried shall have authority, upon a proper hearing of the accused, and all other claimants to said property, to make such order for the restoration thereof as the proof respecting the ownership of said property may require. If no order for the restoration thereof be made, said property within ten days after the acquittal of the person

from whom the same may have been taken, shall be restored to him: *Provided*, That any claimant of property or money whether lost or seized on suspicion of having been feloniously obtained or of being the proceeds of crime, shall, before delivery to him of such property or money, execute and deliver a bond with two good and sufficient sureties, to be approved by the chief of police, with penalty double the amount of the value of said property or money, running to the recorder of said city, or his successor in office, and conditioned that such claimant, to whom said property or money shall be delivered, will, upon demand, restore the same or make payment of the full value thereof to the true owner of said property, who may at any time thereafter, by proper proceedings in any court of competent jurisdiction, establish his title thereto.

SEC. 10. In each year and during the month of June the city attorney shall present to the recorder of said city, a petition praying that all such property and moneys as have remained in the hands of the keeper of the police station unclaimed, for a period of six months or more, preceding that date, be condemned and sold and briefly describing the property, stating that application for condemnation sale thereof has been made by the city attorney, and requiring that all persons interested therein, by way of ownership or otherwise, to appear and show cause, if any there be, at a session of said court, to be therein designated, and set on a certain day therein named, and not less than thirty days from the date of said order, why such property should not be condemned and sold, and the proceeds thereof paid into said fund. Such order shall be published for a period of not less than one week in the official paper of said city, the last publication thereof shall be at least ten days before said hearing, and at any time and place designated by the order of the court, and upon due proof of publication of said order, the court shall proceed unless cause be shown to the contrary, to condemn and order said sale, and payment of the proceeds thereof into said fund, and shall, in and by the order, have power to direct the time and manner of sale. After the making of such sale, neither the clerk of said board, nor the city of Battle Creek, nor any other person shall be required to answer in any form, or to any extent, to any person claiming ownership, or right of possession to any such property so condemned and sold, but such condemnation and sale shall bar all right of recovery thereof.

When city attorney to petition recorder to condemn and sell certain property.

Order to be published.

SEC. 11. The board of police commissioners shall require and make suitable provisions concerning security to be entered into by the chief of police, the captain of police, keeper of police station, and said board in their discretion, may require security from any member of the force, conditional for the performance of duty, involving the care and disposition of property.

Board to require security of certain members of police force.

CHAPTER XLI.

ELECTROLYSIS.

Care exercised
against elec-
trolysis.

SECTION 1. It shall be the duty of all persons, companies, and corporations owning, using or operating any telegraph, telephone, electric light or street railroad system, or any other business or occupation, using electricity to so construct, manage and maintain their plant, works and all the connections thereof as not to injure any water pipe, or any other structure or property of the city of Battle Creek, or any other person, company or individual by means of such electricity, causing electrolysis.

Rights of people
in regard to
damages.

SEC. 2. Said city of Battle Creek, or any other person, company or corporation whose property has been injured by any such electrical current, or electrolysis, shall have a right of action against the person, company or corporation so causing or permitting such injury, for all damages, costs and expenses caused thereby.

CHAPTER XLII.

CONDUITS AND POLES.

Power of coun-
cil relative to
conduits and
poles.

SECTION 1. If at any time hereafter the common council shall deem it best to adopt a general plan of conduits in and under the streets, lanes, alleys and public places of said city, or of conduits in a part of the streets, lanes, alleys and public places of said city, and poles for the remainder thereof, for the purpose of containing and carrying all wires and appurtenances used by any telegraph, telephone, electric light, street railway company or any other person, company or corporation, using wires or cables for the conveyance of electricity through the streets, lanes, alleys or public places, of said city for any purpose, they shall cause the city engineer to make and file a definite plan of the same and of the estimated cost thereof, and shall submit the question of whether said plan shall be accepted and adopted or not, to the determination of the electors of said city, either at an annual city election or at a special election called therefor.

Idem.

SEC. 2. If the common council shall at any time deem that the public necessity requires that all telegraph, telephone, electric light, street railway company's wires and other wires and cables used by any person, company or corporation, for the purpose of conducting electricity in or through any street, lane or alley or public place of said city, shall be placed in conduits, under ground, or upon a particular line of poles, the common council shall have power to build said conduits or erect said poles: *Provided*, That said common council shall not have power to spend more than three thousand dollars in

Proviso.

any one year for such purpose without first being authorized by a vote of the electors of said city so to do.

SEC. 3. Whenever, under the conditions prescribed in the preceding sections of this chapter, the common council shall deem that the public necessity requires that all telegraph, telephone, electric light, electric railway and other wires and cables, belonging to any person, company or corporation, and used in any of the streets, lanes or alleys or public places of said city for the purpose of conducting electricity, shall be placed either in conduits or upon a particular line of poles, the said common council shall have power to enforce the doing of the same, and the said common council, may, under the conditions hereinbefore contained, construct said conduits, and erect said poles, and may require all such persons, companies and corporations using wires in the streets of said city for the purpose of conducting electricity, to so place their wires in said conduits, or upon said poles, as the common council shall direct and may by ordinance provide for and compel all persons, companies or corporations using or operating said wires or cables to place the same in said conduits or on said poles, and to prosecute the penalties for refusing or neglecting so to do. Idem.

SEC. 4. The common council shall have power and authority to collect a reasonable rental for the use of said conduits or of said poles. May collect rental for use of conduits or poles.

CHAPTER XLIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All the officers of said city who may be in office when this act shall take effect shall continue to exercise the duties of their respective offices until the term for which they were elected or appointed shall have expired. The first charter election to be held in said city after this act shall take effect, shall be held in precisely the same manner in all respects as if this act had not been passed unless as otherwise herein provided, and like notice of holding such election shall be given, and shall be superintended by the same officers as is required by the acts hereby repealed. Officers to continue in office.

SEC. 2. All process issued against said city shall run against said city in the corporate name thereof and such process shall be served by exhibiting the original and leaving a true and certified copy thereof with the mayor or recorder of said city. All suits and proceedings instituted or commenced by or against the city of Battle Creek before this act shall take effect, shall be prosecuted to the end thereof, the same as though this act had not been passed. Process against city, how served.

SEC. 3. All acts and parts of acts heretofore passed inconsistent with the provisions of this act, are hereby repealed, but nothing herein contained shall be construed to destroy, impair, Acts repealed.

or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall be carried out and completed and all prosecutions for any offense committed or penalty or forfeiture incurred shall be enforced in the same manner in all respects, and with the same effect, as if this act had not been passed; but nothing in this section contained shall be so construed as to annul or impair or affect any ordinance, by-law, resolution or proceeding of said city not inconsistent with the provisions of this act, but the same shall continue and be in force until the same are amended or repealed as fully as though this act had not been enacted.

Rights, demands, etc., to belong to city.

SEC. 4. All the personal and real estate, franchises, rights, credits and effects whatsoever, and all and every right or interest therein belonging to the city of Battle Creek under and by virtue of any former acts and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the corporation created and continued by this act, saving nevertheless, to all and every person his or their just rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created and continued, every person who is or shall be possessed thereof, shall deliver the same to the city of Battle Creek, with all moneys, deeds, evidences of debt, property, books, papers and records, touching or concerning the same when legally required so to do; and said city may bring suit in its corporate name, for the recovery of the same; and the corporation hereby created and continued shall be liable for and pay all just debts due from or claims or demands against the city of Battle Creek, as heretofore existing, and all contracts or agreements heretofore made or entered into by the corporate authorities of the city of Battle Creek, shall be and the same are hereby made binding and obligatory upon the corporation hereby created and continued.

Legislature may amend or repeal act.

SEC. 5. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever. The legislature may, at any time, modify, alter, amend or repeal the same.

Certain townships, how to remain.

SEC. 6. The townships of Battle Creek and Emmet shall be, remain and continue the same in all respects as before the passage of this act, except as to those parts of each of said townships as they formerly existed hereby included within the corporate limits of said city of Battle Creek.

Approved June 1, 1899.

[No. 431.]

AN ACT to Revise and Amend the Charter of the City of Saginaw, and to Amend section nine, of title three; sections ten and sixteen of title five; sections five, nine, sixteen and seventeen of title six; section six of title ten; sections three, five, eleven and twelve of title twelve, of act number four hundred sixty-five of Local Acts of eighteen hundred ninety-seven, entitled "An act to revise and amend the Charter of the City of Saginaw, as existing under an act, entitled 'An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw under the name of the City of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw, as so consolidated, and to repeal all acts inconsistent herewith, and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith,'" approved June two, eighteen hundred ninety-seven, be and the same is hereby amended, and to add two new sections to be known as sections forty-four and forty-five to title seventeen of this Act.

The People of the State of Michigan enact:

SECTION 1. That section nine of title three; sections ten and sixteen of title five; sections five, nine, sixteen and seventeen of title six; section six of title ten; sections three, five, eleven and twelve of title twelve, of act number four hundred sixty-five of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise and amend the charter of the city of Saginaw, as existing under an act, entitled 'An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw, as so consolidated, and to repeal all acts inconsistent herewith, and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith,'" approved June two, eighteen hundred

Sections
amended

of the board of public works, or whether bids shall be solicited and the improvement let by contract.

Council to give notice.

SEC. 9. Upon such notice of the completion of such assessment and filing of any special assessment roll, the common council shall cause notice to be given to all persons interested therein; such notice of hearing may embrace and name all such rolls to be heard at the same time, reciting the name of said roll, by publishing same in a newspaper published in said city for three consecutive issues of said paper, that the common council will at such time hear objection and appeals to said assessments. It shall not be necessary in such notice to recite the names of the persons interested.

Council may compel owner to build sidewalk.

SEC. 16. The common council shall have power by resolution to order any sidewalk in the city of Saginaw, to be built or rebuilt which shall be done by the city, and may determine by ordinance whether the whole or any part of the cost of building or rebuilding said walk shall be assessed upon the lands of such owner or occupant, adjacent to such walk, and to require the owners or occupants of any lands in said city to repair, keep in repair and rebuild said walk after the same has once been constructed by the city, and the common council may by ordinance prescribe the dimensions of all sidewalks to be built in said city, and of what material the same shall be constructed, repaired or rebuilt, and in such ordinance may fix the time within which the owner or occupant of any lands in front of which any sidewalk is to be built, repaired or rebuilt shall repair the same or rebuild it, after the same has once been constructed by the city, and the common council may prescribe such penalty for violation of such ordinance as they may deem proper, not exceeding the amount limited by this act.

To be under the direction of board of public works. When board may construct.

SEC. 17. The building, repairing and rebuilding of all sidewalks in said city shall be done under the direction of the board of public works of said city. If any person shall refuse or neglect to repair any sidewalk in front of his or her premises of such material and width and in the time provided by the ordinances of said city the board of public works shall repair the same, and the cost and expense thereof to be paid out of the highway fund of the proper taxing district of said city and the cost of repairing said walk shall be assessed upon the land of such owner or occupant adjacent to such walk, in the same manner as provided for other public improvements. Whenever the common council shall by resolution direct the building or rebuilding of any sidewalk in said city, the work shall be done under the direction of the board of public works, and such proportion of the cost of building or rebuilding of said walk as the common council shall by ordinance prescribe shall be assessed upon the land of such owner or occupant, adjacent to such walk, in the same manner as provided for other public improvements, except that the cost of building or rebuilding such walk shall be placed on the next general assessment and tax roll, and shall not extend over a period of years. Nothing

herein contained shall be construed as exempting any person from being prosecuted for violating any ordinance of said city relating to sidewalks. If the owner or occupants of any lands in said city shall neglect or refuse to comply with any order of the common council or board of public works concerning the repairing of any sidewalk in said city, or if such owner or occupant shall suffer any sidewalk in front of his or their premises to be out of repair, so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said city for all damages and costs recovered from said city, by reason of such sidewalks being out of repair, and such damages and costs may be recovered by said city in any court of competent jurisdiction with costs of suit, and any judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant to said city: *Proceedings in case of neglect.*

Provided, That such owner or occupant shall be notified of the pendency of any suit brought against the city to recover such damages, and requested to assist in the defense thereof: *Proviso.*

Provided further, That any person who is injured upon any of the public highways or streets or sidewalks of said city by reason of the neglect to keep such public highways or streets, bridges or culverts on the same in repair in a condition reasonably safe and fit for travel, shall within sixty days after receiving such injury notify the common council of said city in writing of the time and place where such injury was received and the manner in which it was received and the nature of the injury and shall attach thereto a sworn affidavit of said facts. *Further proviso.*

The failure of any person so injured to give such notice within the time and in the manner above required shall constitute a complete bar to any action against the city for any damages that might otherwise be recoverable against said city on account of such injury. *Failure to give notice of injury to be bar to action.*

No such action shall be maintained in any case unless the same be brought within one year after such injury shall be received.

TITLE X.

SEC. 6. The common council shall decide what public sewers and drains of those reported by said board, in accordance with such sewerage plan, shall be built, and shall through the city clerk, notify the board of their decision, and said board shall proceed to advertise for proposals, except as herein otherwise provided, to build the sewers and drains ordered to be built by the common council, under such specifications and forms as said board shall deem necessary in manner and form required by the act incorporating said board of public works and the common council shall have authority to determine whether the construction of sewers, drains, etc., or any part thereof, shall be done by the day under the direction and supervision of the board of public works or whether said work shall be done by contract. *Council to decide what sewers to be built.*

TITLE XII.

Water rate to be assessed.

Proviso.

Power of board as to collection of water rates.

SEC. 3. Said board shall, from time to time, cause to be assessed the water rate to be paid by the owner or occupant of each lot, house or building having or using water, upon such basis as they shall deem equitable, and such water rate shall become a continuing lien until paid upon such house or other building, and upon the lot or lots on which such house or building is situated: *Provided*, When water is furnished a tenant, said board shall cause notice to be served on the owner of such lot or building, within thirty days after default on the part of the tenant to pay such water rate, or no such lien shall attach. Said board shall have full power to make and enforce all necessary by-laws, rules and regulations for the collection of the water rates, either by appointment of collector to demand the same, requiring payment to be made to the treasurer of the city of Saginaw, and shall shut off the water, or by a suit at law, before any court of competent jurisdiction. If any sum of money is needed over and above the revenue of said water-works to meet the payment of interest or principal of bonds issued, and other current expenses of said water-works, the common council may, upon the approval of the board of estimates, raise any sum not exceeding one-half of one per cent upon the assessed valuation of property in said city, as shown by the last preceding assessment roll, which it deems necessary for such purposes, by tax, upon the proper taxing district, in the same manner as general taxes, to be designated a water tax.

Council to be vested with the title to water-works.

May create a sinking fund.

May issue bonds.

May issue water bonds.

SEC. 5. The consolidated city is hereby vested with the title to all existing water-works, machinery, pipes, buildings and appurtenances of every kind heretofore belonging to the city of Saginaw and the city of East Saginaw, and shall assume and pay by the respective taxing districts all the indebtedness, bonded or otherwise, outstanding or incurred therefor, and to meet such bonded indebtedness the common council shall have power to create a sinking fund and may levy and collect annually therefor not exceeding forty thousand dollars and may also credit to such funds such sums from the water funds as in the judgment of the common council shall be proper for such purpose, and in case the fund so collected is not adequate to meet and pay the said bonded indebtedness as the same matures, the common council shall have power to issue the bonds of the consolidated city, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, to be styled water refunding bonds, and to pledge the credit of the whole city for the prompt payment of the principal and interest to the holder as provided in section twenty-eight, title six, and to sell and dispose of the same at the best obtainable price, and with the proceeds thereof to pay and repeal all maturing bonds. To meet the cost of the maintenance, improvement and extension of the present system in excess of the revenue derived

from the works, the common council shall have power to issue and negotiate bonds to be styled water bonds, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, not exceeding two hundred thousand dollars, in amount in any one year, and to pledge the faith and credit of the city for the payment thereof, both principal and interest to the holder, pursuant to section twenty-eight, title six, provided that the matter of issuing said bonds shall first be submitted to the tax paying electors as provided for in section two of title five of the charter. The common council shall specify by resolution the amount of such bonds, or of such water refunding bonds separately, which may be issued to retire the existing bonded indebtedness of said eastern taxing district or of said western taxing district, as the case may be, and also the amount of such water bonds separately as may be issued to meet the cost of the maintenance, improvement and extension of the water-works system in said respective taxing districts. The par value of the water refunding bonds issued by the consolidated city, shall be charged against the district, the bonds of which they are issued to retire, and such taxing district shall be separately taxed and pay the interest and principal of such water refunding bonds, all in manner and form as provided in section twenty-eight of title six. The proceeds of water bonds issued under the authority of this section, shall be paid into the separate funds of the respective districts, and such districts shall be separately taxed, and shall pay for the cost of the extension, improvement and maintenance of its water-works system, and of the said water bonds issued therefor, all in manner and form as provided in section twenty-eight of title six. None of said water bonds shall be sold for less than par value.

Council to specify amount of bonds.

Where proceeds of water bonds to be paid.

SEC. 11. The said board of public works shall have power to appoint subject to the approval of the common council, a city engineer and a superintendent of public works and said board shall also appoint engineers and firemen at the water-works, hydrant men and a book-keeper, all of said appointees to hold office during the pleasure of the board. The city engineer shall make all surveys for the laying out, constructing, altering, repairing and improving of streets, sewers, water mains, parks, cemeteries, public grounds and buildings and prepare all necessary plans, diagrams, profiles, and specifications thereof and do the civil engineering work of every description as required by the common council or the board of public works and he shall have personal supervision under the direction of the board of public works of the construction of public buildings, grading, paving, repaving, sewers, bridges and such other public work as the board of public works may require. Said engineer shall have authority to employ subject to the approval of the board of public works such assistants under him as are required for the prompt and proper performance of his duties and said board may discharge such assistants upon

Officers may be appointed by board.

Council to fix
salaries of
employees.

recommendation of the city engineer. The superintendent of public works shall have personal supervision under the direction of the board of public works of the repair of public buildings, cleaning and caring for public streets, alleys and grounds, the construction and repairing of sidewalks and crosswalks, cleaning and deepening of ditches and gutters and shall have general supervision of the water works system of the city of Saginaw and shall perform such other duties as required by the board of public works. Said board of public works shall also have authority to employ all other subordinates as may be necessary to enable the board of public works to properly perform the duties devolving upon it. Said board of public works shall recommend annually but the common council shall have authority to fix and shall fix the compensation of the engineer and firemen of the water-works, hydrant men, book-keeper, superintendent of public works, city engineer, and all other appointees of said board except as hereinafter provided. Said board shall fix the compensation paid to persons employed by the day and all claims for the same shall whenever certified by the board of public works be submitted to the common council for allowance and payment in the same manner as other claims against the city.

Board to classify
work.

SEC. 12. The said board shall classify the various work under its control and keep an accurate account of the cost of each and of the amount expended for construction, repairs, superintendence, salaries of employes and also detailed accounts of all of the matters under its charge and control and during the month of July, or as soon thereafter as may be, in each year submit to the common council a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amount earned and payable upon any contract for work done and material furnished, and report the same to the common council, and it shall be the duty of the common council, without unreasonable delay, to order payment from the proper funds of the amount so reported.

Board to make
estimates from
time to time.

TITLE XVII.

SEC. 44. All printed work done for the city shall have the "Union Label" so-called of the Typographical Union thereon. Printed work to have "union label." The failure to have said label on printed work shall be a sufficient cause for the non-acceptance thereof by said city.

SEC. 45. The common council shall have the power to fix and determine, by ordinance, what shall constitute a legal day's work on all public work done either directly or by contract for the city and said common council shall have the power to fix a punishment for a violation thereof. Council to determine a legal day's work.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 432.]

AN ACT to amend section two of act number two hundred and forty-three of the Local Acts of eighteen hundred and ninety-seven, entitled "An act to provide for the Payment of a Salary to Certain Officers in the township of Ecorse, in the County of Wayne, and to fix the amount thereof," Approved March tenth, eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section two of act number three hundred and forty-three, of the local acts of eighteen hundred and ninety-seven, entitled "An act to provide for the payment of a salary to certain officers in the township of Ecorse, in the county of Wayne, and to fix the amount thereof," be and the same is hereby amended so as to read as follows: Section amended.

SEC. 2. The supervisor shall receive as annual salary the sum of one thousand dollars. The township clerk shall receive as an annual salary the sum of six hundred dollars. The highway commissioner shall receive as an annual salary the sum of six hundred dollars. The two justices of the peace serving as members of the township board shall receive as an annual salary therefor the sum of one hundred and fifty dollars each. Compensation of supervisor. Clerk. Highway commissioner. Justice of the peace.

This act is ordered to take immediate effect.

Approved June 1, 1899.

Council to fix
salaries of
employees.

recommendation of the city engineer. The superintendent of public works shall have personal supervision under the direction of the board of public works of the repair of public buildings, cleaning and caring for public streets, alleys and grounds, the construction and repairing of sidewalks and crosswalks, cleaning and deepening of ditches and gutters and shall have general supervision of the water works system of the city of Saginaw and shall perform such other duties as required by the board of public works. Said board of public works shall also have authority to employ all other subordinates as may be necessary to enable the board of public works to properly perform the duties devolving upon it. Said board of public works shall recommend annually but the common council shall have authority to fix and shall fix the compensation of the engineer and firemen of the water-works, hydrant men, book-keeper, superintendent of public works, city engineer, and all other appointees of said board except as hereinafter provided. Said board shall fix the compensation paid to persons employed by the day and all claims for the same shall whenever certified by the board of public works be submitted to the common council for allowance and payment in the same manner as other claims against the city.

Board to class-
ify work.

SEC. 12. The said board shall classify the various work under its control and keep an accurate account of the cost of each and of the amount expended for construction, repairs, superintendence, salaries of employes and also detailed accounts of all of the matters under its charge and control and during the month of July, or as soon thereafter as may be, in each year submit to the common council a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amount earned and payable upon any contract for work done and material furnished, and report the same to the common council, and it shall be the duty of the common council, without unreasonable delay, to order payment from the proper funds of the amount so reported.

Board to make
estimates from
time to time.

TITLE XVII.

SEC. 44. All printed work done for the city shall have the "Union Label" so-called of the Typographical Union thereon. Printed work to have "union label." The failure to have said label on printed work shall be a sufficient cause for the non-acceptance thereof by said city.

SEC. 45. The common council shall have the power to fix and determine, by ordinance, what shall constitute a legal day's work on all public work done either directly or by contract for the city and said common council shall have the power to fix a punishment for a violation thereof. Council to determine a legal day's work.

This act is ordered to take immediate effect.

Approved June 1, 1899.

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AN ACT to amend section two of act number two hundred and forty-three of the Local Acts of eighteen hundred and ninety-seven, entitled "An act to provide for the Payment of a Salary to Certain Officers in the township of Ecorse, in the County of Wayne, and to fix the amount thereof," Approved March tenth, eighteen hundred and ninety-seven.

The People of the State of Michigan enact:

SECTION 1. That section two of act number three hundred and forty-three, of the local acts of eighteen hundred and ninety-seven, entitled "An act to provide for the payment of a salary to certain officers in the township of Ecorse, in the county of Wayne, and to fix the amount thereof," be and the same is hereby amended so as to read as follows: Section amended.

SEC. 2. The supervisor shall receive as annual salary the sum of one thousand dollars. The township clerk shall receive as an annual salary the sum of six hundred dollars. The highway commissioner shall receive as an annual salary the sum of six hundred dollars. The two justices of the peace serving as members of the township board shall receive as an annual salary therefor the sum of one hundred and fifty dollars each. Compensation of supervisor. Clerk. Highway commissioner. Justice of the peace.

This act is ordered to take immediate effect.

Approved June 1, 1899.

[No. 433.]

AN ACT to amend section thirty, chapter seven, of an act, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three.

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section thirty of chapter seven of an act, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Council may regulate election and appointment of officers.

SEC. 30. The common council shall have power to provide for and regulate the election and appointment of all officers, and for the removal from office, and for the filling of vacancies subject to the provisions of law; and may authorize and regulate the demand and receipt, by officers, of such fees and costs as in such cases the council may deem reasonable. It may also fix and regulate the compensation of all officers elected or appointed under or by virtue of any act relating to said city, except as may be otherwise provided; but the compensation of no officer, fixed by an annual or periodical salary, shall be diminished during the term for which he was elected or appointed; nor shall the salary of any officer be increased during his term of office, unless by a two-thirds vote of said council.

Compensation.

May provide by ordinance wages to be paid.

They may also provide by ordinance that no board, commission, contractor or sub-contractor doing any work for the city of Detroit, or any board or commission of said city, shall pay to any laborer or workman, who must be a resident of the city of Detroit, working for such board, commission, contractor, sub-contractor or any work for the said board, commissions or city a sum less than one dollar and fifty cents per day. Whenever any contract is to be let by the city or any board or commission, the minimum wage of one dollar and fifty cents per day, as provided in this section, shall be in and constitute a part of the specification upon which contractors shall make their bids and shall become a part of the contract. Any contractor or sub-contractor violating any of the foregoing provisions shall be debarred from any further contracts with the city, or any board or commission of the city. Whenever it shall appear that any workman or laborer has been paid less than the amount specified to be paid to him under the provisions of any city contract the common council may provide by resolution for the payment to such laborer of such deficit as may be due him, provided that the amount of such deficit shall have been deducted from the balance due to the contractor from the city.

Minimum wage to be paid.

Penalty for violation.

If any workman or laborer is paid less than one dollar and fifty cents per day by any such board, commission, contractor or sub-contractor for any work for the city or any board or commission of the city, said workman or laborer shall be entitled to recover by an action for debt from the board, commission, contractor or sub-contractor the balance due him with costs. Laborer may recover.

Approved June 1, 1899.

[No. 434.]

AN ACT to enable the board of supervisors of the county of Houghton to construct and maintain a bridge across Sturgeon River, on the L'Anse road, in the township of Chassell.

The People of the State of Michigan enact:

SECTION 1. The board of supervisors of the county of Houghton is hereby authorized and empowered to erect and maintain a bridge across Sturgeon River, on the L'Anse road, in the township of Chassell, in said county, and to expend therefor such sum or sums as shall be necessary, out of any funds in the treasury of said county not otherwise appropriated. Board of supervisors to construct bridge.

This act is ordered to take immediate effect.

Approved June 7, 1899.

[No. 435.]

AN ACT to provide for the Incorporation of the Village of Benzonia, in Benzonia Township, Benzie County, State of Michigan, and Defining its Powers and Duties.

The People of the State of Michigan enact:

SECTION 1. That the following described territory situate in the county of Benzie, State of Michigan, be incorporated in a village, which territory included in said village is as follows: The north-east quarter of section thirty-four, and the north-west quarter of section thirty-five, and the west fractional one-half of section twenty-six, and the east fractional one-half of section twenty-seven, all in township twenty-six north, of range of fifteen west, in Benzie county, State of Michigan. Territory incorporated.

SEC. 2. That said village when incorporated, shall be governed by and subject to all the provisions of act number three To be governed by general law.

of the session laws of eighteen hundred and ninety-five, being "An Act to Provide for the Incorporation of Villages within the State of Michigan and Defining their Powers and Duties," and amendments thereto being chapter eighty-seven of the compiled laws of eighteen hundred ninety-seven.

Inspectors of
"First"
election.

May appoint
time of holding.

Notice of
registration.

Notice of
election.

Polls, when to
be open.

Election, how
conducted.

When to be
called.

Inhabitants a
body politic.

SEC. 3. Charles E. Case, William H. Koon and Frank L. Norcutt, of said village, are hereby appointed inspectors of the first election to be held in said village and the said persons are also authorized to appoint a board of registration for the registering of the voters of said village in its said first election. Such persons are also authorized to appoint a time and place for holding the first election and to appoint four discreet persons qualified electors of said village, who shall constitute the board of registration for said first election to be held in said village; and said board of registration shall meet on the Saturday next preceding said first election and shall remain in session the same hours required of boards of registration for general elections, and register the names of all persons residents of said village presenting themselves for registration, and having the qualifications of voters at annual township meetings. Due notice of the time and place of such registration shall be given by said board, by posting notice thereof in five public places in said village at least ten days previous to said meeting.

SEC. 4. The inspectors so appointed shall give notice of the time and place of holding such election and the officers to be elected at such election, by posting up written or printed notices thereof in at least five public places in such territory at least three weeks previous to the date appointed for holding the same, or by publishing the same in some newspaper printed in such territory for three successive weeks immediately preceding the time aforesaid. At such election the polls shall be opened at seven o'clock in the forenoon and shall close at five o'clock in the afternoon.

SEC. 5. The said first election in said village shall be conducted in all respects in the manner provided for such elections by said act number three of the session laws of eighteen hundred and ninety-five.

SEC. 6. The said inspectors shall call the first election to be held in said village within one year after the date of the passage of this act.

SEC. 7. The inhabitants of said village shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the village of Benzonia.

This act is ordered to take immediate effect.

Approved June 7, 1899.

[No. 436.]

AN ACT to confer the provisions of act number one hundred eighty-six of the public acts of eighteen hundred ninety-one upon the township of Elk Rapids, Antrim county, and the township board thereof.

The People of the State of Michigan enact:

SECTION 1. Act number one hundred eighty-six of the public acts of eighteen hundred ninety-one, entitled "An act to authorize the cities and villages of this State to provide for the lighting of their streets, and other public places therein, by means of electric or other lights," shall be made to extend and be applicable to the township of Elk Rapids. Wherever the word "Village" or "City" is used in said act the words "Township of Elk Rapids, Antrim county," shall be understood when applied to this act, and for the words "Board of Trustees" or "Common Council" used in said act the words "Township Board of Elk Rapids, Antrim county," shall be understood when applied to this act; and all the powers and privileges conferred by said act number one hundred eighty-six of the public acts of eighteen hundred ninety-one upon cities and villages or common councils or boards of trustees thereof, shall be and are hereby as fully conferred upon the said township of Elk Rapids, Antrim county, and the township board thereof.

Application for
lighting streets
applicable to
township.

"Village" or
"City," how
construed.
"Board of
Trustees," how
construed.

This act is ordered to take immediate effect.

Approved June 7, 1899.

[No. 437.]

AN ACT to vacate the Township of Holmes and Village of Mackinac in Mackinac County, State of Michigan, and to incorporate the City of Mackinac Island in said Mackinac County.

CHAPTER I.

BOUNDARIES AND INCORPORATION.

The People of the State of Michigan enact:

SECTION 1. That from and after March twentieth, A. D. nineteen hundred, the township of Holmes and Village of Mackinac in Mackinac county, and State of Michigan, shall be and are hereby vacated, and all the territory now comprising the said township of Holmes and village of Mackinac, the same being all of Mackinac Island and Round Island, in said Mack-

Boundaries.

Name.

inac county, shall be and the same is hereby constituted and declared thereafter to be a city corporate by the name of the City of Mackinac Island, by which name it shall thereafter be known, and the jurisdiction of said city shall embrace and cover the navigable waters adjacent to said city for the distance of one mile from the shore lines of said Islands.

CHAPTER II.

ELECTIONS AND REGISTRATION.

Electors.

SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein.

Board of registration.

SEC. 2. The parties hereinafter named as inspectors of elections shall on Saturday next preceding the first city election in the year nineteen hundred sit as a board of registration, subject to all the laws of the State of Michigan regarding the registering of electors at the place hereinafter named for holding the election in said city from nine o'clock in the forenoon to five in the afternoon and make a list of the qualified electors in said city and enter their names in a book to be furnished for the purpose and such book shall be the register of electors for said city and shall be deposited with the city clerk within three days after his election and qualification.

First election.

SEC. 3. The first election under this act shall be held on the first Monday in April in the year nineteen hundred. The first election under this act shall be held at the Town Hall in said city and the inspectors of said election shall be the regular election inspectors of the said township of Holmes at that time as provided by law: *Provided however*, That the said inspectors of election may in case it shall be found necessary change the place of holding said first election to any other suitable place in said city. In case any of said inspectors shall fail to appear at the time and place appointed for such election, or shall be incompetent to serve, the electors present shall choose one or more of their number to act as such inspectors in lieu of the inspectors failing to appear or being incompetent to serve.

Where held.

Inspectors of, may change.

Notice of time and place of registration.

SEC. 4. At least five days before the first election in and for the said city of Mackinac Island, the persons mentioned in the previous section shall cause notice to be given by handbills posted in five public places in said city of the time and place of holding such election and of the officers to be elected and of the place where the said inspectors of election will meet on the Saturday next preceding the election to make a registration of the electors of the new city corporation, and that no person unless registered in such registry can be permitted to vote at such election.

SEC. 5. Said inspectors shall procure a book of registry, of the form required by law for the registration of the electors in cities and may charge the same to the said city. Registry book.

SEC. 6. Immediately after the closing of the polls the inspectors of such election shall, without adjournment publicly canvass the votes received by them according to law, and declare the result, and shall on the same or next day, make a certificate stating the number of votes given for each person for each office, and therefrom determine the persons elected to the respective offices, and notify the same of such election and such certificate of election given by the said inspectors shall constitute evidence of the election of the person therein named. The inspectors of said election shall file a copy of each certificate, given under their hands to the officers elect, with the city clerk, within ten days of the qualification of said officers. Inspectors to canvass result
Certificate of election evidence.

SEC. 7. The council may by resolution adopted by a three-fourths vote of all the aldermen elect cause said city of Mackinac Island to be divided into two voting districts, the manner of making such division, the creation of election inspectors and boards of registration therein and all matters pertaining to such division and the holding of elections in said districts shall be provided for by the council making such division, except herein otherwise provided, and at the time such new voting district is formed the council shall by resolution determine which district shall be known as voting district number one, and which as voting district number two of said city of Mackinac Island. May be divided into two voting districts.

SEC. 8. The mayor, city clerk and supervisor shall constitute the board of registration of said city except as in this act otherwise provided. If any vacancy occur in said board of registration, then the council shall supply the vacancy. If more than one voting district is formed in said city then the council shall before each election appoint three extra members for registration of electors for such election: *Provided*, That the mayor, city clerk and supervisor shall continue to be members of the boards of registration in said city and shall hold or assist in holding the registration at the voting district or districts, as the council shall designate at the time other members are appointed as above provided. Board of registration, who to constitute.
Vacancy, how filled.
Proviso.

SEC. 9. When a new voting district shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session two days, and notice of the formation of such district, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board. Registration in new district.

SEC. 10. Said city, unless otherwise subdivided, shall be an election and voting district. On the Saturday next preceding a general election, and on the Saturday next preceding the day of the regular city election, or any special election, and on such Election and voting district.
Board of registration, time and place of session.

Name.

inac county, shall be and the same is hereby constituted and declared thereafter to be a city corporate by the name of the City of Mackinac Island, by which name it shall thereafter be known, and the jurisdiction of said city shall embrace and cover the navigable waters adjacent to said city for the distance of one mile from the shore lines of said Islands.

CHAPTER II.

ELECTIONS AND REGISTRATION.

Electors.

SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein.

Board of registration.

SEC. 2. The parties hereinafter named as inspectors of elections shall on Saturday next preceding the first city election in the year nineteen hundred sit as a board of registration, subject to all the laws of the State of Michigan regarding the registering of electors at the place hereinafter named for holding the election in said city from nine o'clock in the forenoon to five in the afternoon and make a list of the qualified electors in said city and enter their names in a book to be furnished for the purpose and such book shall be the register of electors for said city and shall be deposited with the city clerk within three days after his election and qualification.

First election.

SEC. 3. The first election under this act shall be held on the first Monday in April in the year nineteen hundred. The first election under this act shall be held at the Town Hall in said city and the inspectors of said election shall be the regular election inspectors of the said township of Holmes at that time as provided by law: *Provided however*, That the said inspectors of election may in case it shall be found necessary change the place of holding said first election to any other suitable place in said city. In case any of said inspectors shall fail to appear at the time and place appointed for such election, or shall be incompetent to serve, the electors present shall choose one or more of their number to act as such inspectors in lieu of the inspectors failing to appear or being incompetent to serve.

Where held.

Inspectors of.
may change.Notice of time
and place of
registration.

SEC. 4. At least five days before the first election in and for the said city of Mackinac Island, the persons mentioned in the previous section shall cause notice to be given by handbills posted in five public places in said city of the time and place of holding such election and of the officers to be elected and of the place where the said inspectors of election will meet on the Saturday next preceding the election to make a registration of the electors of the new city corporation, and that no person unless registered in such registry can be permitted to vote at such election.

SEC. 5. Said inspectors shall procure a book of registry, of the form required by law for the registration of the electors in cities and may charge the same to the said city. Registry book.

SEC. 6. Immediately after the closing of the polls the inspectors of such election shall, without adjournment publicly canvass the votes received by them according to law, and declare the result, and shall on the same or next day, make a certificate stating the number of votes given for each person for each office, and therefrom determine the persons elected to the respective offices, and notify the same of such election and such certificate of election given by the said inspectors shall constitute evidence of the election of the person therein named. The inspectors of said election shall file a copy of each certificate, given under their hands to the officers elect, with the city clerk, within ten days of the qualification of said officers. Inspectors to canvass result

Certificate of election evidence.

SEC. 7. The council may by resolution adopted by a three-fourths vote of all the aldermen elect cause said city of Mackinac Island to be divided into two voting districts, the manner of making such division, the creation of election inspectors and boards of registration therein and all matters pertaining to such division and the holding of elections in said districts shall be provided for by the council making such division, except herein otherwise provided, and at the time such new voting district is formed the council shall by resolution determine which district shall be known as voting district number one, and which as voting district number two of said city of Mackinac Island. May be divided into two voting districts.

SEC. 8. The mayor, city clerk and supervisor shall constitute the board of registration of said city except as in this act otherwise provided. If any vacancy occur in said board of registration, then the council shall supply the vacancy. If more than one voting district is formed in said city then the council shall before each election appoint three extra members for registration of electors for such election: *Provided*, That the mayor, city clerk and supervisor shall continue to be members of the boards of registration in said city and shall hold or assist in holding the registration at the voting district or districts, as the council shall designate at the time other members are appointed as above provided. Board of registration, who to constitute.
Vacancy, how filled.

Proviso.

SEC. 9. When a new voting district shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session two days, and notice of the formation of such district, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board. Registration in new district.

SEC. 10. Said city, unless otherwise subdivided, shall be an election and voting district. On the Saturday next preceding a general election, and on the Saturday next preceding the day of the regular city election, or any special election, and on such Election and voting district.
Board of registration, time and place of session.

other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the board or boards of registration for the city, except as in this act otherwise provided, shall be in session at such place or places as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each person then actually residing in the city and in the voting district, and who, at the then next approaching election may be a qualified elector and whose name is not already registered, to have his name entered in the register of such city and voting district.

Idem.

SEC. 11. At least two weeks previous to the commencement of any such session of the board or boards of registration, the council shall fix the place in the city and each voting district of the city where the board of registration will meet, and at least eight days before such session of the board the city clerk shall give notice by handbills posted in ten public places in the city and in each voting district, of the time and place in the city and in each voting district when and where the board of registration for said city or said voting district will meet. Except as in this act otherwise provided, the general laws of this State, relating to the registration of electors in cities shall apply to the registration of electors in said city of Mackinac Island.

New registration,
1900.

SEC. 12. The board of registration in said city at its sessions previous to the general election in November, in the year one thousand nine hundred, shall make a re-registration of the qualified electors of said city, in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of said city shall be made at the session of the board next preceding the general election, in the year nineteen hundred, and every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such city after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made: *Provided*, That if said city is divided into two voting districts then the re-registration shall be made for each district the same as for different wards in a city.

Notice, how
given.

CHAPTER III.

OFFICERS.

SECTION 1. In said city of Mackinac Island the following city officers, namely, a mayor, city clerk, city assessor, city treasurer, and two justices of the peace, one supervisor, two constables and six aldermen shall be elected by the qualified voters of the whole city. At the first election held under this act two of such aldermen shall be elected for a term of one year and two for a term of two years and two for the term of three years, and annually thereafter two shall be elected for a term of three years. Officers.
Alderman, term of office.

SEC. 2. The following officers shall be appointed by the mayor, by and with the consent of the council, namely, a city attorney, a city marshal, and a chief engineer of the fire department. The council may also, from time to time, provide by ordinance for the appointment of, for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act. All such appointments shall be made by the mayor, by and with the consent of the council, and their powers and duties shall be prescribed by ordinance, but the mayor shall have no vote in the council on the question of his appointments of above named officers. Officers appointed.
How made.

SEC. 3. Appointments to office, except appointments to fill vacancies, shall be made on the first Monday of May in each year; but appointments which for any cause shall not be made on that day may be made by the mayor and confirmed at any subsequent regular meeting of the council. Appointments, when made.

SEC. 4. At the first election held in said city, two justices of the peace shall be elected; the then existing justices of the peace shall hold their offices until the fourth day of July next after such first election and no longer, and such two justices of the peace shall be elected, one for the term of two years and one for the term of four years from the fourth day of July next thereafter, and the term for which each is elected shall be designated upon the ballots cast for him and biennially thereafter one justice of the peace shall be elected for a term of four years. First election, justices of the peace to be elected.

SEC. 5. The mayor, city clerk, city treasurer, city assessor, supervisor and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices. Officers, term of office.

SEC. 6. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term Officers appointed, term of office.

of office shall be provided in this act, or in the ordinance creating the office. Any officer elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred, and any officer appointed to fill a vacancy in any elective office shall hold such office until the next annual city election.

When to enter upon duties of office.

SEC. 7. Justices of the peace not elected to fill vacancies shall enter upon the duties of their offices on the fourth day of July next after their election. In all other cases officers shall enter upon the duties of their offices on the second Monday of April of each year, unless herein otherwise provided for.

QUALIFICATIONS, OATH AND BOND OF OFFICE.

Qualifications, oath and bond of office.

SEC. 8. No person shall be elected or appointed to any office unless he be an elector of the city, and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Justices of the peace to file oath of office.

SEC. 9. Justices of the peace elected in said city shall take and file an oath of office with the county clerk of Mackinac county within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk.

Other officers to file oath of office.

Bond to be filed.

SEC. 10. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond or security and such other bond or security to the city as may be required by law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city before entering upon the duties of his office and within time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

SEC. 11. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and may examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the board or instrument to which it relates.

Sufficiency of bond, how examined.

SEC. 12. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

Council may require further sureties.

VACANCIES IN OFFICE.

SEC. 13. Resignation of officers shall be made to the council.

Vacancies in office.

SEC. 14. If any officer shall cease to be a resident of the city, during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Removal from city, office deemed vacated.

SEC. 15. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant unless previous thereto he shall file the oath and give the requisite bond or security.

Failure to file oath or bond.

SEC. 16. In case any vacancy occurs in the office of mayor or in any other elective office except justice of the peace, constable and school trustee as hereinafter provided the council may fill such vacancy by appointment at any time within twenty days after such vacancy occurs or may within such time call a special election for the purpose of filling such vacancy as they may deem for the best interest of the city. Vacancies in the office of justice of the peace and constable shall be filled at the next annual election or at a special election called for that purpose. Vacancies in any appointive office shall be filled within twenty days after such vacancy occurs by the mayor by and with the consent of the council.

Vacancies, how filled.

SEC. 17. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office exonerate such officer or his sureties from any liability incurred by him or them.

Officers not released from liability by resignation, &c.

SEC. 18. Whenever any officer shall resign or be removed from office or the term for which he shall have been elected or appointed shall expire, he shall on demand deliver over to

Books, papers, etc., to be delivered to successor.

his successor in office all the books, papers, moneys and effects in his custody as such officer and in any way appertaining to his office; and every person wilfully violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers may be proceeded against for the like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

CHAPTER IV.

ELECTIONS.

Election, when held.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place or places in said city, as the council shall designate.

Special election, how called.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

Special election, notice of to be given to inspectors.

SEC. 3. Whenever a special election is to be held the council shall cause to be delivered to the inspectors of election a notice, signed by the city clerk, specifying the officer or officers to be chosen and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Notice of time and place of election to be posted.

SEC. 4. Notice of the time and place or places of holding any election and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk, at least ten days before such election, by posting such notices in five public places in said city, and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot boxes, how provided.

SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Polls, time of opening.

SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened at the place or places designated by the council, at seven o'clock in the morning or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes and fifteen minutes respectively, before the closing thereof.

Proclamation of opening and closing, when made.

SEC. 7. The two aldermen whose term of office last expires and the justice of the peace whose term of office last expires and one other person elected by the common council shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the creation of more than one election district therein, or for any reason there shall not be a sufficient number of the officers last named to make a board of four inspectors for said city and for each election district, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the election district, shall constitute a board of four inspectors for the city or for the district, and if at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose, viva voce, such number of electors, as with the inspector or inspectors present shall constitute a board of four in number, and such electors so chosen shall be inspectors at that election, during the continuance thereof. Each inspector of the election shall receive two dollars per day as compensation.

Board of inspectors, who to constitute.

When council may appoint inspectors.

Compensation of inspectors.

SEC. 8. The inspectors of election in said city or voting district shall choose one of their number chairman of the board, and shall designate one of their number to act as clerk of the election, and another of their number to act as second clerk, and each person chosen or appointed an inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

Chairman and clerks of election, how appointed.

SEC. 9. The inspectors of election, as specified in the last two sections, shall also be inspectors of State, county and district elections in said city and in their respective voting districts.

SEC. 10. All elections held under the provisions of this act, shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

Elections, how conducted.

SEC. 11. The council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties.

Election commission, who to constitute.

SEC. 12. The electors shall vote by ballot. Such ballot shall be prepared and furnished by the board of election commissioners as provided by the general election laws of the State, and shall contain the names of all officers to be voted

Ballots, how furnished.

for, and all questions or propositions submitted to be voted upon, and all matters touching the form and contents of the ballot and the casting and canvassing of the same, and all other matters, touching elections shall be governed by the general election laws of the State, when not inconsistent with the provisions of this act.

Council to determine result of election.

Clerk to make certificates.

Certificate where filed.

Who deemed elected.

Procedure in case of tie.

City clerk to notify persons elected.

Clerk to furnish list of persons not filing bond, to council.

Expenses of election, how paid.

SEC. 13. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons are duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in county of Mackinac and the other shall be filed in the office of the city clerk.

SEC. 14. The person receiving the greatest number of votes for any office in the city shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

SEC. 15. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section thirteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the appointment of any person to any office, in like manner notify such person of such appointment.

SEC. 16. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report, in writing, to the council, the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

SEC. 17. The expenses of any election to be held as provided by this act shall be paid by the city in the same manner as other contingent expenses of the city.

CHAPTER V.

DUTIES AND COMPENSATION OF OFFICERS—MAYOR.

Mayor to be chief executive officer.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to

exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the council are enforced.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct. Conservator of the peace.

SEC. 3. The mayor may suspend any officer appointed by him at any time for neglect of duty, misconduct or other sufficient cause: *Provided*, That a written complaint under oath shall be preferred against said officer and filed with the city clerk. Said complaint shall be reasonably certain as to time, place and the offense, or offenses, charged therein, and a copy thereof served personally on such person or left with a person of suitable age at the last known place of residence of such suspended person, within three days after such suspension. The said officer shall have the privilege of filing answer to said complaint within five days after service of copy of said complaint as above provided. The council shall hear such complaint and defense thereto, if any, at the next regular meeting thereof: *Provided*, Said regular meeting shall occur within a time not less than ten and not more than fifteen days after the date of the filing of said complaint, otherwise a special meeting shall be called for the purpose of such hearing, and within the time herein limited. Should no complaint be filed within the time herein provided, or be not sustained at the hearing thereof, said officer may resume the duties of his office as if said suspension had never been made. He shall at all times have authority to examine and inspect the books, records and papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. Mayor may remove certain officers.

SEC. 4. In the absence or disability of the mayor, or in case of any vacancy in his office, the president pro tempore of the council shall perform the duties of mayor during such absence, disability or vacancy. May inspect books, records, etc.

ALDERMEN.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees, when thereupon appointed by the mayor or council. They shall be conservators of the peace, and as such they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. Aldermen to be conservators of the peace.

CITY CLERK.

Duties of city clerk.

SEC. 6. The city clerk shall keep the corporate seal and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of a township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

Duties of clerk relative to claims against city.

SEC. 7. The clerk shall be general accountant of the city; and all claims against the corporation shall be filed with him for adjustment, and, after examination thereof, he shall report the same, with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and take proper receipts therefor, but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or apportioned, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

Clerk to report amount of money to be raised.

Further duties.

SEC. 8. The clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation and all its departments, funds, resources and liabilities, with a proper classification thereof and showing the purposes for which each fund was raised; he shall also keep an account with the treasurer in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted the clerk shall immediately advise the council thereof.

Clerk to keep complete set of books.

SEC. 9. The clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

Clerk to make statement to council when required.

SEC. 10. The clerk may, subject to the approval of the council, appoint a deputy who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof; subject to the control of such clerk, and such deputy shall be paid for his services by the clerk, unless otherwise provided by the council. The clerk shall be responsible for all the acts and defaults of such deputy, and he may remove such deputy at his pleasure.

Clerk may appoint deputy.

Clerk responsible for deputy

CITY TREASURER.

SEC. 11. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of treasury except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued and having the name of such fund endorsed thereon by the clerk. The treasurer may also, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the treasurer subject to the control of the treasurer; and the treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer unless otherwise provided by the council, and such deputy may be removed at the will of the treasurer. The city treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe, and as provided by this act.

Treasurer to have custody of all money, etc.

May appoint deputy.

Treasurer to be liable for acts of deputy

SEC. 12. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report, and

Monthly report.

the council may at any time when they shall deem it advisable cause such report to be verified by a personal examination of the books, warrants, vouchers and city moneys in the possession of the treasurer. He shall also exhibit to the council annually, on the first Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk and shall be published in one or more of the newspapers of the city.

Treasurer shall exhibit receipts and vouchers to council.

SEC. 13. The said treasurer shall take receipts and vouchers for all moneys paid from the treasury, showing the amount and fund from which payment was made, and he shall exhibit to the council such receipts or vouchers on the first Monday of March in each year, or as often as the council shall require, as provided in the next preceding section.

Treasurer to be custodian of public school money.

SEC. 14. The city treasurer shall be the treasurer of the school district designated in this act as the "public schools of the city of Mackinac Island," and shall have the custody of the funds belonging to and receivable by such district from all sources, for schools, library, and schoolhouse purposes. He shall receive from the county treasurer, for the use of such district, all school and library moneys coming to his hands to which the district shall be entitled; and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school and library moneys of the district in such manner as the board of education may require, and account therefor to said board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the board of education shall prescribe. Before entering upon the duties of his office, either as city treasurer or as treasurer of the public schools, the said treasurer shall give bond to the public schools of the city in such sum and with such sureties as the board of education shall direct, for the due performance of the duties of his office as treasurer of such district, and shall renew such bond from time to time with further sureties as said board may require.

Bond.

Shall keep all moneys belonging to city and public schools separate.

SEC. 15. The city treasurer shall keep all moneys in his hands, belonging to the city and to the public schools, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the

council, and the council is hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

CITY MARSHAL.

SEC. 16. The marshal shall be the chief of the police of the city, he shall also be harbor master and street commissioner. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council made for the preservation of quiet, good order and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him and such process may be served anywhere within the State.

Powers and duties of marshal.

SEC. 17. He shall suppress all riots, disturbances, and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. It shall be his duty to arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city amounting to a breach of the peace, and forthwith take such person before the proper magistrate or court for examination or trial, and may also without process arrest and imprison persons found drunk in the streets.

Marshal may command aid of citizens.

SEC. 18. The marshal shall report in writing and on oath to the council at their first meeting in each month all arrests made by him, and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fines and fees collected by him. All moneys collected or received by the marshal, except fees for his personal services, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk.

Monthly report.

Payment of moneys received.

SEC. 19. The marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or be paid by the city.

Fees.

CITY ATTORNEY.

SEC. 20. The attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council, and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which

Adviser and solicitor.

the corporation is interested, and he shall prosecute all offenses against the ordinances of the city.

STREET COMMISSIONER.

**Powers and
duties.**

SEC. 21. It shall be the duty of the city marshal as street commissioner, to perform or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Monthly report.

SEC. 22. He shall make a report to the council, in writing and on oath, once in each month, giving an exact statement of all labor performed by him or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath, as aforesaid: *Provided*, That nothing in this act shall prevent the council from bestowing the powers and duties of street commissioner upon the marshal when it shall be deemed advisable.

CONSTABLES.

**Powers and
authority.**

SEC. 23. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of ordinances of the city.

Duties.

SEC. 24. The constables of the city shall obey all lawful orders of the mayor, aldermen and any justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any such duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such bonds for the performance of the duties of his office, as may be required and approved by the council, and file the same with the city clerk.

**Penalty for
neglect.**

Bond.

SUPERVISORS.

SEC. 25. The supervisors of said city shall have the like powers and perform the like duties in all respects as supervisors elected in townships, except as herein otherwise provided, he shall represent said city in the board of supervisors of the county and shall have all rights, privileges and powers of the several members of such board of supervisors.

Powers and duties.

SEC. 26. The supervisors of said city shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.

Shall return grand and petit jurors.

JUSTICES OF THE PEACE.

SEC. 27. Justices of the peace elected in said city shall have, and exercise therein and within the county, the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter eight of this act.

Powers and duties.

May try and determine suits under ordinances of city.

SEC. 28. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to and governed by the general laws applicable to justice courts and to the proceedings before such courts.

Proceedings, etc., under general law.

SEC. 29. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city and all the proceedings and the judgment rendered in every such cause and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceedings. Such docket shall be submitted by the justice at all reasonable times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required.

Docket.

SEC. 30. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of, violations of the penal laws of the State shall be paid to the county treasurer, and all fines, penalties, forfeitures and moneys collected or received by such justice for or on account of violations of any ordinances of the city shall be paid over by such justice

Fines, etc., collected by justice.

to the city treasurer on or before the first day of the month next after the collection or receipt thereof; and the justice shall take the receipt of the treasurer therefor and file the same with the city clerk.

Monthly report.

SEC. 31. Every such justice shall report on oath to the treasurer at the time of making the payments provided for in the next preceding section the name of every person against whom a prosecution has been commenced or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section and the amount of all moneys received by him on account thereof or on account of any such suit or prosecution.

Fines and expenses.

SEC. 32. All fines recovered for the violations of the penal laws of the State when collected and paid into the treasury shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws and in punishing the offenders, shall be paid by the county in which the city is located.

Justice to give bond.

SEC. 33. Each justice of the peace in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

Penalty for neglect of duties.

SEC. 34. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city shall be deemed guilty of a misdemeanor, and punishable accordingly.

To account for certain property.

SEC. 35. Every justice of the peace of the city shall account on oath to the council, for all such moneys, goods, wares and property, seized or stolen property, as shall remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by law.

Duties and liabilities of officers subject to council.

SEC. 36. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

COMPENSATION OF OFFICERS.

Compensation of officers.

SEC. 37. The mayor and aldermen shall serve without pay. The city marshal, clerk, treasurer, city assessor, city attorney, and engineer of the fire department shall each receive such annual salary as the council shall determine by ordinance. Justices of the peace, constables and officers serving process and making arrests, may, when engaged in causes and proceed-

ings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

SEC. 38. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed when during the same time the salary or rate of compensation has been increased.

Compensation not to be increased during term of office.

CHAPTER VI.

THE CITY COUNCIL.

SECTION 1. The legislative authority of said city shall be vested in a council consisting of the mayor, six aldermen elected at large in the city and the city clerk.

Legislative authority vested in.

SEC. 2. The mayor shall be president of the council and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote.

Mayor to be president of, and preside over, council.

SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president pro tempore of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions, but he shall have no casting vote in case of a tie. In the absence of the president and president pro tem the council shall appoint one of their number to preside and for the time being he shall exercise the powers and duties of the president.

President pro tempore.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk or his deputy the council shall appoint one of their number to perform the duties of clerk for the time being.

Clerk of council.

SEC. 5. Each alderman shall be required to attend all sessions of the council, and serve upon committees when appointed thereon. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused therefrom by a vote of two-thirds of the aldermen elect.

Aldermen to attend sessions of council.

SEC. 6. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe, not less

Council to be judge of election returns. Meetings.

Special meeting
of, how called.

than one of which shall be held in each month. The mayor or any three members of the council may call special meetings thereof, notice of which, in writing shall be given to each alderman, or be left at his place of residence at least six hours before the meeting.

Meetings,
public.
Majority of,
shall make
quorum.

SEC. 7. All meetings and sessions of the council shall be public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time and all pending business and business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting without further notice, and the members present may compel the attendance of absent members in such manner as shall be prescribed by rules or ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or private property be taken for public use, unless by a concurring yea and nay vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

Manner of
conducting
business.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays when required by one or more members and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative.

Powers over
officers.

SEC. 9. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

Certain officers
entitled to
seats.

SEC. 10. The attorney, marshal and engineer of the fire department, may take part in all proceedings and deliberations of the council on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Control of
property.

SEC. 11. The council shall have control of the finances, and of all property of the city corporation, except as may be otherwise provided by law.

May enact
ordinances.

SEC. 12. Whenever by this act or any other provision, of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and

exercise of such power and authority, and to regulate the performance of such duty.

SEC. 13. The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor, subject to the approval of the council.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation unless required by this act to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept, as to be convenient of access and inspection, and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents of true meaning or import of the same from being known, shall on conviction thereof be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

SEC. 15. No member of the council shall receive any compensation for his services, either as alderman, committeeman, or otherwise, except as herein provided.

SEC. 16. No member of the council or any officer of the corporation shall be interested, directly or indirectly, in the profits of any contract, job, work or service other than official services, to be performed for the corporation, and any member of the council, or officer of this city, herein specified, offending against the provisions of this section shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

SEC. 17. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may remove from office any alderman by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers other than aldermen and justices of the peace, provision shall be made, by ordinance, for preferring charges against such officers and trying the same; and no removal of an elective officer, other than an alderman, shall be made except by a two-thirds vote

Standing committees.

Books, documents, etc., where deposited.

Penalty for secreting, etc.

Members not to receive compensation.

Interest in contracts prohibited.

Penalty.

Officers may be removed.

Charges to be investigated, how made.

of all the aldermen elect and unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city, is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council or any committee thereof.

Power to compel attendance of witnesses.

SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths.

Auditing accounts, claims.

SEC. 20. The council shall audit and allow all accounts chargeable against the city, but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed or the property delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed and referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city for personal injuries or otherwise, that it has never been presented, certified to or verified as aforesaid, to the council for allowance; or if such claim is founded on contract that the same was presented without the affidavit or certificate as aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

CHAPTER VII.

ORDINANCES.

Style. concurrence.

SECTION 1. The style of all ordinances shall be, "The city of Mackinac Island ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

SEC. 2. When, by the provisions of this act, the council of said city has authority to pass ordinances for any purpose they may prescribe fines, penalties and forfeitures not exceeding five hundred dollars unless a greater fine or penalty is herein authorized, or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of Mackinac county or in such other prison or place of confinement in the State as provided by law. Such fine, penalty, forfeiture and imprisonment, for the violation of any ordinance, shall be prescribed therein.

Fines and penalties.

SEC. 3. No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor, or other officer or person legally discharging the duties of mayor, shall lodge in the office of the clerk a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer or person legally exercising the office of mayor, shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons in writing, why the same should not go into effect, the same shall not go into effect, nor have any legal operation unless it shall, at a subsequent meeting of the council, within one month after the filing of such veto, be passed by a three-fourths vote of all the aldermen elect, exclusive of the mayor or other officer or person legally exercising the duties of the office of mayor, and if so repassed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect, as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council shall go into operation until after the expiration of twenty-four hours after its passage, unless the said mayor, or acting mayor, shall approve the same in writing.

Mayor may suspend immediate operation of ordinance.

SEC. 4. No repealed ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

Repealed ordinance

SEC. 5. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Ordinances to be recorded.

Publication of.

SEC. 6. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, or posted in five public places in such city, and the clerk shall immediately after such publication or posting enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made or when and of what date such posting was made, and sign the same officially, and such certificate shall be prima facie evidence that legal publication or posting of such ordinance has been made.

Courts to take notice of enactment.

SEC. 7. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of any city, and in all proceedings in such city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: First. From a record thereof kept by the city clerk; Second. From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; Third. From any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER VIII.

ENFORCEMENT OF ORDINANCES.

Prosecutions for violations, when commenced.

SECTION 1. Prosecutions for violations of the ordinances of said city shall be commenced within two years after the commission of the offense, and shall be brought within the city.

Pecuniary penalty, how recovered.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. Whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

Action to be in name of city.

SEC. 3. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of

the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

Judgment
against
defendant.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Suits, how
commenced.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and in the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

Form of
warrant.

Proceedings.

• SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Court to render
judgment.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment without payment operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

Execution of
judgment.

City allowed
use of county
jail.

SEC. 8. Said city shall be allowed the use of the jail of Mackinac county for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by law, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Process, to
whom directed,
etc.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

Not necessary
to set forth
ordinances.

Statement of
cause of action,
etc.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution, for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

May require
jury.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with all the inhabitants of the city in the result of the suit.

Who may serve
on.

Party convicted
may appeal.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for Mackinac county by appeal or writ of certiorari; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal causes cognizable by justices of the peace; and

in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by certiorari, into the circuit court and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given, as in cases of appeal and certiorari in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court to which the cause shall be appealed or removed by certiorari shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

Bond.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected, to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Fines imposed, by whom received.

Duty of court relative to.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Neglect to pay over fines.

Penalty.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Fines, where credited.

Expenses, how paid.

SEC. 16. The circuit court of the county of Mackinac shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases, shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws

Circuit court shall have jurisdiction in certain cases.

of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply.

Jurisdiction of justices.

SEC. 17. The justice of the peace of the city shall have jurisdiction in all cases mentioned in the preceding section when the fine or forfeiture imposed shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months.

Security for costs.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made, or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

CHAPTER IX.

GENERAL POWERS OF CITY CORPORATION.

Powers.

SECTION 1. Said city of Mackinac Island shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto and for the exercise of the same, as they may deem proper, namely:

Power and authority relative to vice, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vagrants, etc.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Nuisances, etc.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same;

Disorderly houses, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Fifth, To regulate or license the use of billiard tables, nine or ten-pin alleys or tables, and ball alleys; Billiard tables, etc.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming; Gaming, etc.

Seventh, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing; Selling liquors to minors, etc.

Eighth, To regulate, restrain or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted; Shows, etc.

Ninth, To prevent and punish violations of the Sabbath day, and the disturbances of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day; Violation of Sabbath.

Tenth, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue; Auctions.

Eleventh, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks, or from boats, open places or spaces, public grounds or buildings in the city; Peddlers, etc.

Twelfth, To license and regulate wharf boats, and to regulate the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city; Wharf boats, tugs, etc.

Thirteenth, To establish or authorize, license and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon; Ferries.

Fourteenth, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses, and to regulate and prescribe the location of saloons; Taverns, etc.

but this shall not be construed as authorizing the licensing of the sale of intoxicating liquors;

Vehicles, etc. Fifteenth, To license and regulate all vehicles of every kind, used for the transportation of persons or property for hire, in the city, and regulate or fix their stands on the streets and public places, and at wharves, boat landings, railroad station grounds and other places;

Bridges. Sixteenth, To regulate and license all toll bridges within the city, and to prescribe the rates and charges for passage over the same;

Inspection of meats, etc. Seventeen, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions;

Weighing and measuring. Eighteenth, To regulate the inspection, weighing and measuring of brick, lumber, fire-wood, coal, hay, and any article of merchandise;

Sealing of weights. Nineteenth, To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures by vendors;

Vaults, cisterns, etc. Twentieth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

Obscenity. Twenty-first, To prohibit and prevent, in the streets, or elsewhere in the city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Bathing. Twenty-second, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city;

Purity of waters. Twenty-third, To provide for clearing the rivers, ponds, canals and streams of the city and the races connected therewith of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;

Offensive places, etc. Twenty-fourth, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candy factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of the city;

Explosives and combustibles. Twenty-fifth, To regulate the keeping, selling, and using of dynamite, gunpowder, firecrackers and fireworks, and other explosive or combustible materials, and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;

Cellars, drains, etc Twenty-sixth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies;

Twenty-seventh, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding in the management or practice thereof; Mock auctions, etc.

Twenty-eighth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same; Lotteries.

Twenty-ninth, To license and regulate solicitors for passengers or for baggage to and from any hotel, tavern, public house, boat or street railway station; and to provide the places where they may be admitted to solicit or receive patronage; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation; Hackmen, runners, etc.

Thirtieth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper, or other person likely to become a charge upon the city, and to punish therefor; Paupers.

Thirty-first, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit, and to direct and regulate the same; Census.

Thirty-second, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs; to require them to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city; License of dogs.

Thirty-third, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within the city; Toy pistols, etc.

Thirty-fourth, To require any horses, mules, or other animals attached to any vehicle or standing in any of the streets, lanes, or alleys in the city to be securely fastened, hitched, watched or held; and to regulate the placing and provide for the preservation of hitching posts; Horses in streets to be fastened.

Thirty-fifth, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks; Numbering of buildings.

Thirty-sixth, To provide for, establish, regulate and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper; Public fountains, etc.

Street railways. Thirty-seventh, To prevent or provide for the construction and operation of street railways and to regulate the same and to determine and designate the route and grade of any street railway to be laid or constructed in said city;

Public library. Thirty-eighth, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good;

May license transient traders. Thirty-ninth, The council may also license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: *Provided*, Such goods or merchandise have been assessed for taxes for said fiscal year;

Proviso.

Council may enact all ordinances for the good of the city.

Fortieth, The council shall further have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Licenses, granting of.

Sec. 2. The council may prescribe the terms and conditions upon which licenses may be granted and may exact and require payment of such reasonable sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation, when required by the council, in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Bond.

License revocable.

Terms.

Punishment for non-compliance.

Sec. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 4. All sums received for licenses granted for any purpose by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund. Money received from licenses.

SEC. 5. The council of said city shall have authority to permit any street railway company to lay its track, and operate its road with steam, electric or other power in or across the streets, highways and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: *Provided*, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years. Council may grant franchise to street railways.

SEC. 6. The council shall have power to compel any street railway company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also to regulate and prescribe the speed of street railway cars within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company, and upon any motorman, driver or conductor, violating any ordinance regulating the speed of street railway cars. Council to regulate lay of tracks, speed, etc., of railway cars.

SEC. 7. The council shall have power to require and compel any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts, along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such street railway company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause. Council shall require ditches, drains, etc., to be kept open. Neglect.

SEC. 8. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them re- Council may enact ordinances relative to buildings.

Partition fences. spectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence viewers, and prescribe their duties and mode of proceeding in all cases relative to partition fences in said city.

Support of poor. SEC. 9. The council of said city may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the exercise of his duties.

CHAPTER X.

POLICE.

Council may provide for appointment of police force.

SECTION 1. The council of said city may provide by ordinance for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night-watchmen as they may think necessary for the good government of the city, and the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require.

Rules for government.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. The mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council shall not continue longer than three days.

Temporary police.

Marshal as chief of police.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

Powers and duties of police.

SEC. 4. It shall be the duty of the police and night-watchmen and officers of the force under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, and laws of the State, to suppress all riots, disturbances and breaches of the peace and to pursue and arrest any person fleeing from justice in any part of the State; to ap-

prehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city involving a breach of the peace, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense, to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and night-watchman, shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city involving a breach of the peace, or of committing any crime against the laws of the State. The chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each. Policemen,
compensation.

Monthly report.

SEC. 6. The mayor may suspend or remove any policeman or night-watchman for neglect of duty, misconduct or other sufficient cause, as provided in section three of chapter five of this act. Suspensions
and removals.

CHAPTER XI.

CITY PRISON.

SECTION 1. The council of said city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein. Power to provide, etc.

Prisoners kept
at hard labor.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XII.

PUBLIC HEALTH.

Protection of.

SECTION 1. The council of said city may enact such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

Nuisances dangerous to life
and health.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company, causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Cellars and
vaults dangerous
to.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty and may require the owner or occupant of any building, fence or structure, which may be dangerous or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Dangerous
structures.

Expense of
removals, etc.,
how recovered,
etc.

SEC. 4. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an

action of debt or assumpsit against such person, corporation or company. And in all cases where the city shall incur any expenses for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Relative to dangerous and offensive business.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, pest-houses or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employes, for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health, persons having any malignant, infectious or contagious disease, or who have been exposed to such disease, may be removed to such hospital, pest-house or quarantine buildings, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest-house or quarantine grounds until duly discharged.

Establishment of hospitals.

SEC. 7. The council of said city shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six, of the compiled laws of eighteen hundred and seventy-one, and all amendments thereto, being chapter thirty-nine of Howell's annotated statutes of the State of Michigan, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Council vested with powers of boards of health.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the

May establish board of health.

protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health, or any officer thereof.

CHAPTER XIII.

CEMETERIES.

City may acquire and own.

Regulate burials.

Raising money for.

Board of trustees.

Powers and authority of.

SECTION 1. Said city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere.

SEC. 2. The council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds and for the improvement, adornment, protection and care thereof.

SEC. 3. Whenever said city shall own, purchase or otherwise acquire any cemetery or cemetery grounds, the mayor, by and with the consent of the council, shall appoint five trustees who shall be freeholders and electors in the city, and who shall constitute a "Board of Cemetery Trustees." The five trustees so appointed shall hold their offices for the term of five years, except that at the first appointment one shall be appointed for one year, one for two years, one for the term of three years, one for the term of four years and one for the term of five years from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed for the term of five years. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman and the city clerk shall be the clerk of the board. And the council may by ordinance invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs, and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned,

the board shall perform such other duties as the council may prescribe.

SEC. 5. Said board, subject to the directions and ordinances Idem. of the council, shall have the care and management of any such cemetery or burial place or places and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the city clerk. Such board shall also have power in its discretion to take, receive, and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised to such board in trust for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, specified in any such trust. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

SEC. 6. Said board shall appoint the necessary superintend- Idem. ents and employes for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

SEC. 7. All moneys raised for any public cemetery au- Treasurer to be thorized by this act, and all moneys received from the sale of custodian of lots therein, or otherwise therefrom, shall be paid into the moneys. city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually on Annual report. the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom, and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

SEC. 8. The council of said city may pass and enforce all Council may ordinances necessary to carry into effect the provisions herein pass ordinances and to control or regulate such cemetery or burial place and relative to. the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

SEC. 9. The council shall have power also to pass all ordi- Church nances deemed necessary for the preservation and protection of cemeteries.

any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto.

CHAPTER XIV.

POUNDS.

Council may
provide.

SECTION 1. The council may provide and maintain one or more pounds within the city and may appoint pound-masters, prescribe their powers and duties and fix their compensation; and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or pound-master they may provide for the impounding of such beasts and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

Fees.

SEC. 2. The council may also prescribe the fees for impounding and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts or fowls impounded; and may authorize the sale of such beasts and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

CHAPTER XV.

HARBORS, WHARVES AND HARBOR-MASTERS.

Council may
establish.

SECTION 1. The council of said city, shall have the power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, basins, and canals, upon any lands or property belonging to or under the control of the city; and for that purpose the city shall have the use and control of the shore or bank of any lake, river or other waters within the city, not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharfing and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Power and
authority.

SEC. 2. The council shall have authority also to require and cause all docks, wharves, and landings, whether upon public grounds or upon the property of private individuals, to be constructed of such material and in such manner and maintained in conformity with such grade as may be established therefor

by the council, and prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

SEC. 3. The council shall have authority to prohibit the in-^{Idem.} cumbering of the public wharves and landings, and to regulate the use of all wharves, docks, and landing places within the city; regulate the use and location of wharf boats, and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public and private wharves, docks, and landings, and to collect wharfage and dockage from boats, water craft, and floats landing at or using any public landing place, wharf, or dock within the city.

SEC. 4. The council shall have authority to provide by ordi-^{Purity of waters.} nance for the preservation of the purity of the waters of any harbor, river, or other waters within the city, and within a mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein of any filth, logs, floating matter or any injurious thing; to control and regulate the anchorage, moorage and management of all boats, water craft and float within the jurisdiction of the city; to prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the docks, wharves and landings, by boats, water craft and floats, and to regulate and prescribe, by such ordinances or through a harbor-master or other officer, such location for any boat, craft, vessel, or float and such changes of station in and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, craft, vessels and floats; and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States and of this State, as in the opinion of the council shall be most conducive to the orderly, safe and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers, and landing places within the city.

SEC. 5. The council may also license and regulate the use^{License of tugs, etc.} of tugs, and prescribe the rates and charges of towage within the harbor or other waters of the city, and regulate the opening and passage of bridges.

SEC. 6. It shall be the duty of the marshal as harbor-master^{Duties of harbor-master.} to enforce all such ordinances and regulations as the council may lawfully enact and prescribe, in respect to and over the navigable waters, harbors, wharves, docks, landings and basins, within the city, and in respect to the navigation trade, and commerce of the city, and the council may prescribe the powers and duties of such harbor-master and fix the compensation to be paid him.

CHAPTER XVI.

FERRIES.

License trans-
portation, etc.

SECTION 1. The council of said city may regulate and license ferries from such city or any place of landing therein to the opposite shore, or from one part of the city to another; and may require the payment of such reasonable sum for such license as to the council shall seem proper and may impose such reasonable terms and restrictions in relation to the keeping and management of such ferries, and the time, manner, and rates of carriage and transportation of persons and property as may be proper, and provide for the revocation of any such licenses and for the punishment, by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed.

CHAPTER XVII.

MARKETS.

Council may
establish and
regulate.

SECTION 1. The council of said city shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the time for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

Rules and
regulations.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles, in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other unwholesome provisions exposed for sale therein.

CHAPTER XVIII.

PUBLIC BUILDINGS, GROUNDS AND PARKS.

Acquisition, use
and disposition
of.

SECTION 1. Said city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any

part thereof may be sold, leased and disposed of as occasion may require.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, workhouses and other necessary public uses, may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce, beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, workhouses or hospitals.

Of hospitals, prisons, etc., outside city limits.

SEC. 3. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachment and injury, and from all nuisances.

Of parks within city.

CHAPTER XIX.

SEWERS, DRAINS AND WATER COURSES.

SECTION 1. The council of said city may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable such sewers and drains shall be constructed in the public streets and grounds.

Establishment and construction of.

SEC. 2. The board of public works shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction, subject to the general direction and approval of the council as herein provided, and the council may by ordinance prescribe the powers and duties of said board, relating to all matters connected with the sewers, sewerage system and drainage of the city.

Management and control.

SEC. 3. Whenever it may become necessary, in the opinion of the council to provide sewerage and drainage for the city, or for any part thereof, it shall be their duty to instruct and direct the board of public works to devise, or cause a plan of such sewerage or drainage to be devised, for the whole city, or for such part thereof as they shall determine.

Plan for drainage.

SEC. 4. Such plan shall, in the discretion of the board, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers,

How formed.

with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council shall be filed in the office of the clerk of the board.

Special sewer districts.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Trunk sewers.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the board of public works to prepare diagrams, or plats thereof, which, when approved by the council, shall be recorded in the office of the clerk, in the book of sewer records.

Manner of paying for.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid from the general sewer fund, excepting such portion or portions thereof as the council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer, constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

Diagram and plat of to be prepared.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause the board of public works to prepare, or cause to be prepared, a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof, and thereupon the council shall give two weeks notice, by publication in one or more of the newspapers of the city, or by posting said notice in five public places in said city, of the

intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the board and the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk in the book of sewer records. Route and location of.

SEC. 10. Special assessments for the construction of sewers shall be made by the board of special assessors in the manner provided in this act for making special assessments. Special assessments.

SEC. 11. When the owner of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands included in the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council. Majority may petition for.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner hereinafter provided for the levying and collecting of special assessments. Private drains.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the board of public works shall prescribe. Connection with public sewers.

SEC. 14. The board of public works may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and Annual fees for use of.

such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Sec. 15. Such part of the expenses of providing ditches and improving water courses as the council shall determine, may be defrayed by a special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Expenses of.

Sec. 16. The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Council may
enact ordi-
nances.

Sec. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

Manner of bor-
rowing money
for.

Sec. 18. If the council shall have determined to construct any main sewer in any main sewer district, or any main or trunk sewer, without reference to any sewer district, and if it shall be necessary for the city to borrow money for the payment of the amount determined by the council to be paid from the general sewer fund toward the construction of such sewer in such main sewer district, or for the payment of a trunk sewer to be constructed without reference to a sewer district, then before any further proceedings are had looking towards the construction of such sewer, the council shall cause to be made and recorded in their proceedings an estimate of the amount necessary to be borrowed for such purpose, and the question of borrowing such amount shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide; and if two-thirds of such electors shall vote for the borrowing of such amount of money, then it shall be lawful for any such city to borrow such sum of money not exceeding in all three per cent of the assessed value of the property in such city as shown by the last preceding tax roll, to be used exclusively for such purpose. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this section, and to issue the bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value.

CHAPTER XX.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance. Said city shall not be liable in damages sustained by any person in such city either to his person or property or by reason of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, crosswalk or public highway, situated in said city, unless such person shall serve or cause to be served, within sixty days after such injury shall have occurred, a notice in writing upon the clerk or the deputy clerk of said city, which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold said city liable for such damages as may have been sustained by him. Said city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall have been accepted and confirmed by the council by an ordinance or resolution specially passed for that purpose.

Control and repairing of.

SEC. 2. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and, if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

Laying out, altering of, etc.

SEC. 3. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of said resolution shall be published for not less than four weeks before the time ap-

Vacating of.

Notice.

Filing of objections.

pointed for such meeting, in one of the newspapers of the city or be posted twenty days next preceding such meeting in five public places in the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

Survey of streets and record of same.

SEC. 4. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public grounds, shall also be recorded in said book of street records, and the record shall be prima facie evidence of all the matters therein set forth.

Record of resolution vacating.**Street grades.**

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade and upon such line as shall be prescribed by the council; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

Record of.**Expense of change of grade.**

SEC. 6. Whenever any street, alley or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Damage from change of grade

SEC. 7. Whenever the grade of any street or sidewalk shall have been heretofore, or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be as-

certained by a jury as provided in chapter twenty-three of this act, or said damages may be ascertained and agreed upon by and between such city and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon as heretofore provided, such damages, or such part thereof as the council shall deem equitable and just, shall be paid by the city, or the council may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the council shall determine to assess said damages, or any part thereof, upon the property benefited, it shall determine and define a district in said city which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel or subdivision is deemed to acquire by the improvement out of which such damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited in the grading and improvement of streets, as provided for in this act; and all of the provisions of chapter twenty-two of this act, relative to special assessments and the collection thereof, shall apply thereto. Such damages when collected as aforesaid, and when determined upon by said city, shall be paid to the person entitled thereto.

PAVING AND IMPROVEMENTS.

SEC. 8. The council shall have power to grade, pave, plank, gravel, curb, and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing. Whenever any paving has been ordered upon any street or public highway in the city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, before the same shall be paved, to put in and lay all such sewer, water and gas connections in front of their lands and premises, and carry the same from the pipe in such street to and beyond the curb line of such proposed pavement as the council shall determine to be necessary for the preservation of such proposed paving, when the same shall be laid and put down, and such connection shall be laid, made and put in, in the manner and at the time or times as shall be directed by the council. In case the owner of such lot or lots, lands or premises shall neglect or refuse to make, lay or put in such con-

Authority for.

Paving defined.

Sewer and water connections.

Neglect or refusal to connect.

nections at the time or in the manner prescribed by the council, then the council shall cause the same to be made, laid or put in, and the respective owners of such lots, lands or premises shall be liable for the cost thereof, together with ten per cent in addition thereto as a penalty to be recovered by the city in an action of debt or assumpsit, or the costs together with the amount of such penalty for which such persons shall be respectively liable, the council shall cause to be reported to the board of special assessors, to be levied and assessed by them as a special tax or assessment upon such lot or lots, lands or premises in the same manner as provided in section four, chapter twenty-one of this act, in cases of special assessment for rebuilding and keeping in repair sidewalks in such city.

Apportionment
of paving
expense.

SEC. 9. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

Idem.

In case of public property.

SEC. 10. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings or other public buildings, or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings and city property and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon

other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

SEC. 11. The council shall have the power to prohibit, and prevent obstructions and encumbrances in, and encroachments upon the public highways, streets and alleys of the city, and to remove the same, and to punish those who shall obstruct, encumber, encroach or maintain any encroachments, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, encumbrance and encroachment.

Obstructions,
encroachment.

SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp posts therein, and protect the same.

Trees. lamp-
posts.

SEC. 13. The council may regulate the making of all openings in, and removals of the soil of public streets, and for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Openings in
streets.

SEC. 14. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or, designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements and banners, awning posts and telegraph, telephone or light poles and wires in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare;

Use of streets.

Stands for
vehicles.

Signs.

Immoderate
driving.

Gathering of
crowds.

Running at
large of ani-
mals, etc.

Cleaning of
streets.

**Council to
have general
authority.**

and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

CHAPTER XXI.

SIDEWALKS.

Construction of.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

Idem.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the council may, by a two-thirds vote of all the aldermen elect, pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund, or from the street district fund of any street district in which such walk may be located.

**Removal of
snow and ice.**

SEC. 3. The council shall also have power, either by ordinance or resolution, to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments,

Proviso.

encumbrances, filth and other nuisances: *Provided*, That the council may, by a two-thirds vote of all the aldermen elect, provide by ordinance for the rebuilding, maintaining and keeping in repair of all sidewalks within the city, and for the removing of all ice and snow therefrom, and for keeping the same free from encumbrances, and pay the expense thereof from the general street fund, or from the street district fund of any street district in which the same may be located.

**Proceedings in
case of neglect.**

SEC. 4. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances, or other nuisances, or shall fail to perform any other duty required by

the council or board of public works in respect to such sidewalks, within such time and such manner as the council shall require, said owner or occupant may as prescribed by ordinance be deemed guilty of a misdemeanor and punished as the council may by ordinance prescribe, and in addition thereto the council may cause said work to be done and improvements made and such sidewalk to be built, rebuilt or repaired, and the expense, or such part thereof as the council shall have determined, shall be charged to such owner or occupant, and the council may cause the amount of such expenses incurred thereby, for which such owner or occupant shall have become liable, together with a penalty of ten per cent in addition thereto, to be reported to the board of special assessors, to be levied by them as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessments provided for by this act, and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the city assessor to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes; or the city may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

Expense, how paid.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same; and to prohibit and prevent obstructions, encumbrances or other nuisances upon the walks.

Regulations as to signs, excavations.

CHAPTER XXII.

COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, namely: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water works, for lighting purposes, hospitals, quarantine grounds or pest-houses, market houses and spaces, cemeteries and parks, watch-houses, city prisons, and work-houses, and public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise bene-

Certain improvements paid from general fund.

Special assessment.

fit by the improvement, such assessment may be made as in this chapter provided.

**Board of
assessors.**

Compensation.

SEC. 2. There shall be a board of special assessors in said city, consisting of the marshal and two other members, who shall be freeholders and electors in the city, to be appointed by the mayor, by and with the consent of the council. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment, who for the purposes of that assessment shall be a member of the board.

**Expenses of
improvements,
how appor-
tioned.**

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or portion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general funds of the city, or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

**Estimates.
plans.**

SEC. 4. Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work, and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give two weeks notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication in one of the newspapers of the city, or by posting said notice in five public places in said city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

**Notice of meet-
ing to consider.**

Costs.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

**Limit of special
assessment.**

When levied.

SEC. 6. Special assessments to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

SEC. 7. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality constituting the district to be assessed.

Statement to
board of
assessors.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment. In all cases where the ownership of any description is unknown to the board of assessors, they shall, in lieu of the name of the owner, insert the name "Unknown;" and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel or land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner such assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and, when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

Assessment
roll.

Owner
unknown.

SEC. 9. If the assessment is required to be according to frontage, the board of assessors shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the board shall have completed the assessment they shall report the same to the council; such report to be signed by at least two of the assessors, may be in the form of a certificate, endorsed on the assessment roll as follows:

Assessment
according to
frontage.

According to
benefits.

Assessors to
report.

STATE OF MICHIGAN, }
CITY OF MACKINAC ISLAND. } ss.

To the Council of the City of Mackinac Island:

We hereby certify and report, that the foregoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council of said city, adopted (give date), for the purpose of paying that part of the cost which

Report.

the council decided should be paid and borne by special assessment for the (here insert the object of the assessment); that in making such assessment we have, as near as may be, and according to our best judgment conformed in all things to the directions contained in the resolution of the council hereinbefore referred to, and the charter of the city relating to such assessments.

Dated_____

Board of Assessors.

Other
assessments.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, on account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the council in such manner as they shall prescribe. And the provisions of the preceding sections of this chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

Duties of council respecting
special
assessment.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom; and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith, respectively, to be reported by the city clerk to the board of assessors for assessment.

Duties of
assessors.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to them, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively and when completed they shall report the assessment to the council.

Filing and
review of
assessment.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks, at

least, in some newspaper of the city, or shall cause two weeks notice to be given by posting such notice in five public places in said city of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review said assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form:

Objections.

NOTICE OF SPECIAL ASSESSMENT.

To (insert the names of the persons against whom the assessment appears), and to all other persons interested, take notice: That the roll of the special assessment heretofore made by the board of assessors for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given, that the council and board of assessors of the city of Mackinac Island will meet at the council room in said city on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Notice.

Dated, _____

City Clerk.

SEC. 14. At the time and place appointed for the purpose, as aforesaid, the council and board of assessors shall meet and there, or at some adjourned meeting, review the assessment, and shall hear any objections to any assessment which may be made by any person deeming himself aggrieved thereby, and the council may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an endorsement upon the roll showing the date of confirmation.

Review of assessment.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive.

Confirmation.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid.

Assessments a lien.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at

Division of into installments.

such times as the council shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with the proportionate interest thereon.

First installment, when due.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

Division of assessment, special roll to be made.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

In case of division of lots.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

In case of a deficiency.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Of surplus.

In case of irregularity.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

Lien not destroyed.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or,

as by a regular mode of proceeding, might have been lawfully assessed thereon.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the city assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and direct said assessor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in such tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said roll shall be collected and enforced with the other taxes in the tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

What assessment may be reported to assessor.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the assessor, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

Council may order direct collection by city treasurer.

SEC. 26. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the State belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of four per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Duty of treasurer.

Further duties. SEC. 27. The treasurer shall make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Renewal of warrant. SEC. 28. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided.

Re-assessment. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same may be certified to the assessor in the manner provided in section twenty-four of this chapter, and shall then be re-assessed with interest included at the rate of ten per cent per annum from the day of the confirmation of the assessment until the first day of December next, in the next city tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Collection by suit. SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Judgment in case of irregularity. SEC. 30. If in any such action it shall appear that by reason of any irregularities or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

CHAPTER XXIII.

APPROPRIATION OF PRIVATE PROPERTY.

For what purposes. SECTION 1. Private property may be appropriated for public use in said city for the purpose of opening, widening, altering or extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures, for public grounds, parks, market places and spaces; for

public wharves, docks, slips, basins and landings on navigable waters and for the improvement of water courses; for sewers, drains and ditches; for public hospitals, pest-houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

SEC. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the city either in the manner and with like effect as provided by the general laws of this State relating to the taking of private property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

Manner of acquiring.

SEC. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the public, they shall, by resolution, direct the city attorney or other attorney to institute the necessary proceedings in behalf of the municipality, before such justice of the peace of the city as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use.

Proceedings of council when seizure is necessary.

SEC. 4. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such justice, in the name of the city, a petition signed by him in his official or representative character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed, which certified copy shall be prima facie evidence of the action taken by the council and of the passage of the said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given, and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary

Attorney to file petition with justice.

Petition, what to contain.

Jury.

to make such public improvement, whether it is necessary to take such private property as it is proposed to take for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief to which the municipality may be entitled, within the objects of this chapter.

Justice to
summons
respondents.

SEC. 5. Upon receiving such petition it shall be the duty of the said justice to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said justice at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Summons, by
whom served.

SEC. 6. Said summons shall be served by the city marshal, any member of the police force, or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the justice may appoint some discreet and proper person to be guardian ad litem of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order, and not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require as to any or all of such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within Mackinac county, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the justice may adjourn the proceed-

In case of
minor, etc.

ings from time to time as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed with such justice before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the municipality and shall be selected and impaneled as follows: The city marshal or any constable or any member of the police force of said city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the city attorney or other attorney for the city and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause; the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the justice, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil cases in such courts.

Impaneling jury.

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take said property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to the law and evidence, so help you God (or under the pains

Oath of jurors.

and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property proposed to be taken and examine the premises. They shall be instructed as to their duties and the law of the case by the justice, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by all jurors.

Determination
and award of.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall separately award to the owners of such property and others interested therein such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

Justice to fur-
nish map of
proposed
improvement.

SEC. 10. To assist the jury in arriving at their verdict, the justice may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all parcels of property to be taken, and may also submit to them a blank verdict, which may be as follows:

PART I.

Blank verdict.

We find that it is necessary to take the private property described in the petition in this cause, for the use and benefit of the public for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the justice, before it is submitted to the jury, or it may be done by the jury.

SEC. 11. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the council or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury. Amendments.
when allowed.

SEC. 12. Upon filing the report and award made by any jury with said justice, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the attorney of the city for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided. Duty of justice.

SEC. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict, said justice shall, on the application of the city's attorney, designate some day and hour when another jury may be impaneled, and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury. The same proceedings after they are sworn shall be had by them, and by and before said justice or some other justice in said city, as provided for above after the first jury is sworn. Disagreement
of jury.

SEC. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause be unable to discharge his duties as a juror, said justice may cause to be drawn another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn. Juror unable to
discharge
duties.

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned, may, within ten days after the entry thereof, appeal therefrom to the circuit court of Mackinac county, by filing with the justice a claim of appeal, in writing under oath, in which he shall set forth a description of the Appeal to
circuit court.

land in which he claims an interest and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Filing of
transcript.

SEC. 16. Within ten days after taking such appeal said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him together the bond and claim of appeal, and file the same with the clerk of such circuit court.

Circuit court to
have jurisdic-
tion.

SEC. 17. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury without reference to any term of court upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice as to the necessity of taking the land shall be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

Impanelling
jury.

SEC. 18. The circuit judge shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the municipality or county and shall be selected and impaneled as follows: The city marshal or any member of the police force of such city shall, on the same day or at an adjourned day, make a list of twenty-four resident freeholders of said city or county, and the city's attorney and the respondents collectively shall each have the right to strike six names from the list of persons written down as aforesaid and subject to objection for cause; the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from the list, it shall be done by the circuit judge, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided relative to impanelling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance,

shall be same as practice and proceedings of circuit courts relative to jurors in cases in such courts.

SEC. 19. The jurors so impaneled shall be sworn or shall affirm in substance as follows: “You do selemnly swear (or affirm) that you will well and truly ascertain, determine and award the just compensation to be made for the taking for the use or benefit of the public the private property which the petition describes, and that you will faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to the law and the evidence, so help you God (or under the pains and penalties of perjury).” The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the circuit judge, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and shall be signed by all jurors. Oath of jurors.

SEC. 20. The jury shall in their verdict separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just. Verdict, how awarded.

SEC. 21. To assist the jury in arriving at their verdict the circuit judge may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows: Jury may have map, etc.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows: Form of blank.

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the circuit judge, before it is submitted to the jury, or it may be done by the jury.

Judgment.

SEC. 22. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least fifty dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him or to the city as shall be just.

Record and
copies of judg-
ment, evidence.

SEC. 23. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the justice of the peace after the same has become final, as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such justice, or the judgment of said court, as well as the book of records of such proceedings kept by said clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.

Damages,
payment of.

SEC. 24. When the verdict of the jury shall have been finally confirmed by the justice and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the city in the vicinity of the proposed improvement will be benefited by such improvement, they may by an entry in their minutes determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in this act for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity

Owners of land
benefited may
be assessed.

and legality of all proceedings prior thereto, and the assessment therein contained shall be a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser.

SEC. 25. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested, for the private property taken, as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city to pay the persons respectively entitled to the money so set apart and provided, to each his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the justice before whom such proceedings were had, or his successor, or in case an appeal has been had, then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, which certificate shall be prima facie evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actu-

Council may
provide for
payment.

Duty of
treasurer.

ally in the treasury, ready to be paid to those entitled thereto, the council, by the city's attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

Compensation
of officers,
jurors and
witnesses.

SEC. 26. Officers, jurors and witnesses in any proceedings under this chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the justice courts of this State, and in cases of appeals, the same fees and compensation as are provided by law for similar services in circuit courts.

Evidence of
ownership.

SEC. 27. It shall be prima facie evidence as to who are owners of, and persons interested in, any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of, and persons interested in, such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds shall also be prima facie evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

Buildings on
condemned
property, how
disposed of.

SEC. 28. In case there in on the private property taken a building or other structure, the same shall be sold by or under direction of the council; the amount produced by this sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment mad to pay for the property taken.

City may
purchase.

SEC. 29. Nothing in this chapter contained shall prevent said city from obtaining private property for any of the public uses herein specified by negotiation and purchase.

CHAPTER XXIV.

WATER-WORKS.

City may
purchase or
construct, etc.

SECTION 1. Said city shall have authority to purchase or construct new and to maintain and extend existing water-works for the introduction of water into such city, and supplying the same and the inhabitants thereof with pure and wholesome water for the ordinary and extraordinary uses of the inhabitants thereof, the extinguishment of fires and for such other purposes as the council may prescribe.

Idem.

SEC. 2. Said city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water-wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may

acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water-works.

SEC. 3. It shall be lawful for said city, to borrow any sum of money not exceeding five per cent of the assessed value of the property in said city, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing or extending water-works, as provided in the two preceding sections. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for constructing, purchasing or extending such water-works shall not exceed the estimate expense provided for in section four of this chapter. May borrow money.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extension of water-works in said city, the council shall direct the board of public works to cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide: *Provided however*, That after water-works have been purchased or constructed by such city the council may then raise and expend, in making repairs or alterations, or in extending such works, such sum as they may deem necessary without submitting the question to the electors of the city, but the sum to be raised for such purpose shall be included in and shall not increase the total amount which, by the provisions of section five, chapter twenty-eight of this act, the council is authorized to raise. To be submitted to electors.
Proviso.

SEC. 5. The connecting or supplying pipes leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefore shall be obtained from the board of public works. All such connecting or supplying pipes shall be constructed and connected in the manner prescribed by such board. Manner of supplying pipes.

SEC. 6. The board of public works shall annually, on or before the first Monday in June, establish a scale of rates to be charged and paid for supply of water for the year next ensuing, to be called water rates, which rates shall be approved by the council and shall be appropriate to different classes of buildings in the city, with reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for dwellings, Water rates.

stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates.

Council may enact ordinances relative to construction, etc.

SEC. 7. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation, and control of the water-works and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter and the powers herein conferred in respect to the construction, management and control of such water-works.

May construct and control outside city limits.

SEC. 8. When the council shall deem it for the public interest, such water-works may be purchased, or may be constructed and maintained beyond the corporate limits of the city; and in such case the council shall have authority to enforce beyond the corporate limits of the city, within the county or counties in which such city is situated, and over the buildings, machinery and other property belonging to and connected with such water-works, in the same manner and to the same extent as if they, or it, were within the city, all such ordinances and police regulations as may be necessary for the same care, protection, preservation, management and control thereof.

Constructing.

SEC. 9. For the purpose of operating, constructing, maintaining or extending such water-works, the city shall have the right to lay conduits, pipes, aqueducts or other necessary works over or under any water course or under and along any street, alley, lane, turnpike, road or highway within such city, but not in such manner as to obstruct the same or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such street, alley, road or highway to lay pipes thereon, or to construct works beneath the surface thereof, but they shall cause the surface of such street, alley, road or highway to be relaid and restored to its usual state, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

Private property may be taken.

SEC. 10. If it shall be necessary, in the judgment of the council, to appropriate private property either within or without the city for the construction and maintenance or for the due operation of water-works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

Council may contract for water supply.

SEC. 11. The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such city and the inhabitants thereof with water upon such terms and conditions as may be agreed, and may grant to such person, persons or corporation, the right to the use of the

streets, alleys, wharves and public grounds of such city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water for the use of such city and the inhabitants thereof upon such terms and conditions as shall be specified in such contracts.

CHAPTER XXV.

LIGHTING.

SECTION 1. It shall be lawful for said city to acquire by purchase or to construct, operate and maintain, either independently or in connection with the water-works of such city, either within or without the city, works for the purpose of supplying such city and the inhabitants thereof, or either, with gas, electric or other lights at such times and on such terms and conditions as hereinafter provided. City may own.

SEC. 2. Whenever the council of said city shall by resolution declare that it is expedient for such city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying such city and the inhabitants thereof, or either, with gas, electric or other lights, then such council shall have power to take such action as shall be deemed expedient to accomplish such purpose. Idem.

SEC. 3. In case the council shall declare that it is expedient for such city to acquire by purchase or to construct, as the case may be, works for the purpose of supplying such city and the inhabitants thereof, or either, with electric or other lights, then the council shall direct the board of public works to cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide. Ownership submitted to electors.

SEC. 4. It shall be lawful for said city to borrow any sum of money not exceeding five per cent of the assessed value of the property in said city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for the purpose or construction of such lighting works shall not exceed the Council may borrow money. To fix time and place of payment. Proviso.

amount of the estimate of expense thereof provided for in section three of this chapter.

May raise money for repairs, etc.

SEC. 5. After lighting works have been purchased or constructed as aforesaid, in such city, the council may then raise and expend in making repairs or alterations, or in extending such works such sum as it may deem advisable without submitting the question to the electors of the city; but the sum to be so raised in any one year shall be included in, and shall not increase the total amount which, by the provisions of section five of chapter twenty-eight of this act, the council is authorized to raise.

Rates for lights.

SEC. 6. The board of public works, subject to the approval of the council, shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights, and shall annually, on the first Monday in June, fix such rates for the year next ensuing.

Council may take private property.

SEC. 7. If it shall be necessary in the judgment of the council to appropriate private property, either within or without the city, for the construction and maintenance, or for the due operation of lighting works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

May contract.

SEC. 8. The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such city or the inhabitants thereof, or both, with gas, electric or other lights upon such terms and conditions as may be agreed; and may grant to such person, persons, or corporation the right to the use of the streets, alleys, wharves and public grounds of such city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.

May enact ordinances, etc., to protect property.

SEC. 9. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter and the powers herein conferred in respect to the erection, purchase, management and control of such works.

CHAPTER XXVI.

BOARD OF PUBLIC WORKS.

Who to constitute.

SECTION 1. There shall be created and constituted in said city a board of public works composed of five members who shall be freeholders and electors of the city, and shall serve

without compensation. Such board shall, as near as may be, be non-partisan, no more than three members to be appointed from any one political party, and shall be appointed by the mayor, by and with the consent of the council. At the first appointment of the members of said board, which shall be within thirty days after the incorporation of said city under this act, one member shall be appointed for the term of one year, one member for the term of two years, one member for the term of three years, one member for the term of four years and one member for the term of five years from the first Monday of May next thereafter, and on the first Monday of May of each year thereafter, one member shall be appointed for the term of five years unless otherwise provided in this act. Term of office.

SEC. 2. Said board shall, within ten days after their first appointment and annually thereafter, during the month of May, organize and elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. The city clerk shall be ex-officio clerk of said board, but shall have no vote therein. It shall be his duty to perform all the clerical labor required by said board, and he shall have charge of all its books, records, accounts and papers. Majority to constitute quorum.

SEC. 3. The said board of public works, subject to the direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities: Powers and duties.

First, The construction, management, supervision and control of such water-works as are or shall be owned by the city; Relative to water-works.

Second, The construction, management, supervision and control of such electric or other lighting plants as are or shall be owned by the city; Lighting plants.

Third, The management and supervision of the sewers, sewerage system and drainage of such city, and of the construction thereof; Sewerage.

Fourth, Such other public improvements or works as the common council may, by ordinance, place under their management, supervision and control. Other public improvements.

SEC. 4. The said board shall have power to make and adopt all such by-laws, rules and regulations as they deem necessary and expedient for the transaction of their business, not inconsistent with the ordinances of the city or the provisions of this act. Rules.

SEC. 5. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works shall not exceed the sum of two hundred dollars, the work shall be done by such board in such a manner as they may deem proper; but whenever such expense shall exceed the sum of two hundred dollars, then the said board shall submit the plans, diagrams, profiles, and estimates thereof to the council for their approval, and when so approved the board shall, subject to the approval of the council, cause such work to be done Power of board relative to construction, etc.
When subject to approval of council.

Proviso. by contract or otherwise in such manner as they may deem proper: *Provided*, That if the expense shall exceed the sum of five hundred dollars, the board shall give twenty days notice of the same, posting said notice in five public places in said city asking for sealed proposals, and such notice shall be as the council may direct, and they shall let the contract to the lowest responsible bidder who shall be deemed competent to do the work and give adequate security for the performance thereof, which contract and security shall be approved by the council.

Claims, accounts, etc., how paid. SEC. 6. All work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have authorized the same and ordered the same paid by warrant drawn on the city treasurer, and all claims or accounts against the city that in any manner relate to the works in charge of such board or that have been incurred by such board shall first be submitted to and approved by the said board of public works before the council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the council on the third Monday in April of each year, which report shall embrace an itemized statement of the revenues and the expenditures relating to or connected with each of the works under their control, keeping a separate account of each fund, and a statement of the condition, progress and operation of said works. They shall also make such other reports and furnish such other information to the council as that body shall by resolution or ordinance provide.

Annual estimates to be furnished council. SEC. 7. On or before the first Monday of September in each year, the board of public works shall submit to the common council careful estimates in detail of the amount of money, which, according to the judgment of the board, will be needed for the water-works fund, the light fund and the sewer fund during the ensuing year, which estimates may be increased, modified or adopted by the said common council as in its judgment may seem justifiable.

Moneys received by board, disposition of. SEC. 8. The board of public works shall, on the first Monday of each month pay into the city treasury to the credit of the water, light, sewer or other fund, as the case may be, all moneys received by them and belonging to any such fund, and shall file a detailed statement thereof, together with the receipt of the treasurer attached thereto, with the city clerk who shall report the filing of such statement and receipt to the council.

May arrange for collection of rates. SEC. 9. The board of public works may provide when and to whom all water and light rates, and other moneys collectable by them shall be paid, and what steps shall be taken to enforce payment thereof, and may provide in case of non-payment that such water, light or sewerage connection be shut off or stopped as to any person neglecting or refusing to make such pay-

ment; and may also collect the same in an action of assumpsit on the common counts in any court of competent jurisdiction.

SEC. 10. The board of public works is hereby empowered, subject to the approval of the council, to employ all necessary officers, agents and employes that they may deem necessary to operate, carry on and improve all the public works and duties placed under their care and supervision, and subject to the approval of the council to fix the salaries and compensation of such employes.

May, subject to council, employ employes.

SEC. 11. The council of said city, upon petition to them of one hundred or more free-holders of such city praying that an election of the qualified voters of such city be called to determine whether the board of public works in such city shall be abolished, shall, by resolution, submit the question of abolishing such board of public works to the qualified electors of such city at the city election held in the month of April next following. The board of public works in such city shall not be abolished unless two thirds of the electors voting on such proposition shall by ballot so determine.

Council may submit question of abolishing board to electors.

SEC. 12. If at any such election two-thirds of the electors voting thereon shall vote to abolish the board of public works in such city, then such board of public works shall be abolished, and all the powers, rights and privileges now exercised by or vested in said board of public works, as well as all duties and obligations imposed upon such board of public works by this act, shall be vested in, exercised and assumed by the council of such city; the board of public works in such city in all things appertaining to them as such board, shall be superseded by the council, and the council may appoint a committee of its own members more particularly to perform these duties, always under the direction of the council and subject to such rules and regulations as the council may determine.

Powers and duties of council when board is abolished.

SEC. 13. An election under the provisions of this chapter cannot be held oftener than once in two years and notice of such election shall be given in the same manner and for the same length of time as is provided in this act for the calling of special elections, and the vote shall be counted and canvassed and the return shall be made, and the result declared and determined in the same manner as is provided in this act for the counting, canvassing and returning of votes, and the determining of the result thereof at special elections, and the propositions submitted shall be in the following language:

When election can be held.

Canvass and return.

For the board of public works—Yes. ☐

For the board of public works—No. ☐

CHAPTER XXVII.

FIRE DEPARTMENT.

**Council may
establish.**

SECTION 1. The council of said city shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employes, firemen and officers.

**May provide
engines, wells,
cisterns, etc.**

SEC. 2. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Engine houses.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.

**Engineer and
his duties.**

SEC. 4. The engineer of the fire department shall be the chief of the department, and, subject to the direction of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary.

Assistant.

**Who may com-
mand aid at
fires.**

SEC. 5. The chief of the fire department, or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

**Punishment for
disobedience.**

**Fire wardens
and their
duties.**

SEC. 6. The council may provide by ordinance, for the appointment of, and may appoint, such number of fire wardens, as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city; and in all places where combustible

or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

SEC. 7. The council may prescribe by ordinance, from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed, enlarged or repaired; and to direct the manner of constructing buildings within such districts, with respect to protection against fire and the material of which the outer walls and roofs shall be constructed. The council may provide by ordinance for proper fire escapes on buildings and compel the owners or occupants thereof to construct and maintain the same.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances and the use of lights in buildings; and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

SEC. 9. Every building or structure which may be erected, placed, enlarged, repaired or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

SEC. 10. The officers, firemen and employes of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire. Whenever any building is so pulled down or destroyed, any person having an interest in such building may present his claim for damages to the council of such city, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for

Fire limits.

Fire escapes.

Location of shops, lumber yards, etc.

Gunpowder, etc.

What buildings declared a nuisance.

Compensation of employes.

In case of injury.

Who may cause buildings to be pulled down.

Compensation therefor.

Damages, how may be paid.

public use. Such jury may visit the premises and hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances as above stated. If such jury shall not be able to agree, a new jury shall be impaneled, as above provided, until a jury has been obtained that shall agree; and the city shall pay such claimant the amount of damages fixed by such jury. There shall be no appeal from the verdict of such jury, either by the city or any claimant.

Relative to
steamboats,
etc., in case of
fire.

SEC. 12. The council of said city may, by ordinance, prescribe such regulations to be observed by owners, masters and employes of steamboats and water craft as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft; and may prescribe in such ordinances the manner of collecting any penalties imposed thereby.

CHAPTER XXVIII.

FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of said city shall commence on the first Monday of March in each year.

Authority of
council to raise
money by
taxation.

SEC. 2. The council of said city shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sum of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted.

Divisions of
revenue raised
by general tax.

SEC. 3. The revenues raised by general tax upon all the property in the city or by loan to be repaid by such tax shall be divided into so many of the following general funds as are necessary:

Contingent
fund.

First, Contingent fund;—to defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made;

Fire
department.

Second, Fire department fund;—to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

General street.

Third, General street fund;—to defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds and for grading, paving, curbing, graveling and otherwise improving, repairing and clearing the streets, alleys and public grounds and for grading, paving, curbing, graveling and otherwise improving, repairing and clearing the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof;

Fourth, General sewer fund,—to defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses; General sewer.

Fifth, Water fund,—for maintaining and extending a system of water-works and for constructing reservoirs and cisterns, and providing other supplies of water; Water.

Sixth, Public building fund,—for providing for public buildings, and for the purchase of lands therefor, and for the erection, preservation and repair of any such public buildings, city hall, offices, prisons, watch-houses and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for. Public buildings.

Seventh, Police fund,—for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city; Police.

Eighth, Cemetery fund; Cemetery.

Ninth, Interest and sinking fund,—for the payment of the public debt of the city and the interest thereon; Interest and sinking.

Tenth, Park fund,—for the purchase of grounds for public parks and the maintenance and improvement thereof; Park.

Eleventh, Light fund,—for the construction, purchase and maintenance of electric or other lights; Light.

Twelfth, Such other funds as the council may from time to time constitute. Other funds.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided in the following special funds: Division of revenue raised in special districts.

First, A street district fund, for each street district,—for defraying the expenses of grading, improving, repairing and working upon the streets therein, and for the payment of all street expenses, which the council shall charge upon the street district; Street district.

Second, A district sewer fund, for each main sewer district,—for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts; Sewer district.

Third, Special assessment funds; any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improvement, repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised. Special assessment.

SEC. 5. The aggregate amount which the council may raise by a general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, exclusive of taxes for schools and schoolhouse purposes, shall not, except as herein otherwise provided, exceed in one year, two per cent. Aggregate amount council may raise by general tax.

SEC. 6. The council may also raise by tax in each street district, for defraying the expenses of working upon, improving Amount in street district.

and repairing and cleaning the streets of the district and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district.

Amount in
sewer and
special assess-
ment districts.

SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts, and special assessment districts, for the purpose of grading, paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city.

Tax for use of
public sewer.

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer.

Tax to provide
for interest and
sinking fund.

SEC. 9. The council may also raise such further sum annually, not exceeding one cent on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

Estimates of
expenditures.

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of September, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also, to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving and repairing the streets in the several street districts of the city.

Determination
of amounts to
meet deficiencies.

SEC. 11. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessments which they require to be reassessed in the next general tax rolls of the city, upon lands in any main sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

Annual appro-
priation bill.

SEC. 12. The council shall also in the said month of September, pass an ordinance, to be termed the annual appropria-

tion bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year payable from the several general funds, and from the street district funds as estimated and determined upon, as provided in section ten of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loans, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six and nine of this chapter, to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or reassessed, with the next general tax as mentioned in section eleven of this chapter, and the disposition to be made of such moneys, and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year to be paid for in whole or in part by special assessments, and the estimated cost thereof.

SEC. 13. All sums ordered in the annual appropriation bill, in any year to be raised for the several general funds and all amounts reported to the city clerk by the board of education to be raised for schools, library and schoolhouse purposes, as provided in chapter thirty of this act, shall be certified by the city clerk to the clerk of the board of supervisors of the county on or before the first Monday of October. All sums ordered in said bill to be levied or reassessed in street or sewer districts or as special assessments, shall, forthwith, be certified by the city clerk to the city assessor as provided in chapter twenty-two of this act, and all such sums shall be levied and collected with the State and county taxes next thereafter to be levied within such city.

SEC. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a two-thirds vote of the electors voting upon the proposition at the next annual city election or at any special election called for that purpose. But this section shall not prohibit the council from making any necessary repairs or expenditure at a cost not exceeding five thousand dollars, the necessity for which is

Schools,
library, etc.,
appropriation,
when and to
whom certified.

No further
sums raised,
except as
herein pro-
vided.

caused by casualty or accident, happening after making the annual appropriation for the year, and from borrowing the money therefor.

Improvements
limited by
appropriations.

SEC. 15. No improvement, work, repairs or expense to be paid for out of any general fund or street district fund, excepting as herein otherwise provided, shall be ordered, commenced or contracted for, or incurred in any fiscal year unless in pursuance of an appropriation specially made therefor in the last preceding annual appropriation bill, nor shall any expenditure be made, or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general, or street district fund, for any purpose, unless appropriated for that purpose in said bill.

Limit to cost of
certain im-
provements not
specified.

SEC. 16. No work or improvement to be paid for by special assessment, costing more than three thousand dollars, shall be ordered, commenced or contracted for; nor shall any assessment be levied therefor, in any year, unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill.

Taxes levied
before com-
mencement of
work.

SEC. 17. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied, or from the proceeds of bonds issued in anticipation of the collection of said tax.

Certain funds
raised partly by
loan.

SEC. 18. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year for the purpose of the general and street district funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

Proviso as to
amount.

Loan in antici-
pation of
receipts.

SEC. 19. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Greater sums
authorized by
electors.

SEC. 20. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by two-thirds of the electors voting upon the question at an annual city election

or special election called for such purpose. The amount that may be voted or raised in any year under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein.

SEC. 21. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed, and published in a newspaper of the city, or copies thereof posted in five public places in said city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

SEC. 22. All moneys and taxes raised, loaned, or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year. In such case the surplus may be transferred to the sinking funds, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

SEC. 23. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon the warrant of the clerk. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

SEC. 24. No warrant shall be drawn upon the treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized, and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

SEC. 25. No loans shall be made by the council, or by its authority, in any year exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of the former bonds falling due, in such manner as merely to change, but not increase the bonded indebtedness of the city. Each bond shall show upon its face the class

Limit of amount.

How to submit question to electors.

Notice.

Ballot.

Moneys raised how credited.

When surplus may be transferred.

Contingent fund.

Money how drawn.

When warrant not to be drawn.

Loans and bonds.

of indebtedness to which it belongs, and from what fund it is payable.

**Auditing
accounts.**

**Annual finan-
cial statement.**

SEC. 26. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments and the amount collected on each; and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

**Statement,
where filed.**

SEC. 27. Said statement, signed by the mayor and clerk, shall be filed in the office of the city clerk.

**Private use of
public money
prohibited.**

SEC. 28. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall directly or indirectly and knowingly, appropriate or convert the same to any other purpose than for that for which such moneys, securities, evidences of value or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Penalty.

**Bond, what to
contain, when
payable, etc.**

SEC. 29. Every bond issued by said city shall be made payable within thirty years from the date of issue, and shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of such city to sign or issue any such bond without such matters as set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a

misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

CHAPTER XXIX.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The assessor of said city, shall in each year, make and complete an assessment of all the real and personal property within said city liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner, and within the same time as required by law for the assessment of property in the townships of the State, and in so doing he shall conform to the provisions of law governing the action of supervisors of townships performing the like services, and in all other respects within said city, he shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof. Such assessor shall make his assessment of all such property in a single roll and in the making of such assessments and in the levying of taxes such city shall be treated as a whole or as one assessment district as townships are treated under the general tax laws of the State, and said city assessor shall represent the city on the board of supervisors in and for said county of Mackinac and shall have all the rights, privileges and powers of the several members of the said board of supervisors.

Assessor to
make assess-
ments.

How to be
made.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of the assessor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the assessor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer, or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Action in case
of claim of
exemption.

SEC. 3. The supervisor, city assessor and the mayor shall constitute a board of equalization and review of the general assessment roll of said city, a majority of whom shall constitute a quorum for the transaction of business, but a less number

Board of
equalization.

Powers.	may adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment roll, and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on said roll, and to add thereto any taxable property in said city that may have been omitted, and to value the same; and to strike from said roll any property wrongfully thereon, and generally to perfect said roll in any respect by said board deemed necessary and proper, for which services such members of said board shall receive two dollars per day while actually employed. And the board of supervisors of the county shall equalize such city as a unit the same as a township is equalized.
Compensation.	
Time of meeting.	SEC. 4. The said board shall meet on the third Monday in May in each year, at the council rooms in such city, at nine o'clock in the forenoon, at which time and place notice shall be given by the clerk at least two weeks prior to the time of meeting, by publishing a notice thereof in one or more of the newspapers of said city, or by posting the same in five public places in said city, at which time and place the assessor shall submit to said board his general assessment roll. They shall select one of their number as chairman, and shall continue in session at least two days successively, and as much longer as may be necessary to complete the review, and at least six hours in each day, during said two days or more; and any person or persons desiring so to do, may examine his, her or their assessment on said roll, and may show cause, if any exists, why the valuation thereof should be changed, and the said board shall decide the same, and their decision shall be final. They may examine on oath any person touching the matter of any assessment, and the chairman or any member of said board may administer oaths. They may issue subpoenas signed by any member of the board to compel the attendance of witnesses. They shall keep a record of their proceedings, and all changes made in said roll shall be entered upon such record, which record shall be deposited with the city clerk, who shall be clerk of said board. The decision of a majority of the members of said board upon all questions shall govern. The roll as prepared by the assessor shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. Said board shall have the same power and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review shall have completed the revision of said roll, the clerk shall endorse and sign a statement upon such roll, to the effect that the same is the general assessment roll of the city for the year in which it has been prepared, as approved by the board of review. Such statement may be in the following form, namely:
Notice.	
Chairman.	
May examine on oath.	
May issue subpoenas. Clerk to keep record of proceedings.	
Certificate.	

STATE OF MICHIGAN, }
CITY OF MACKINAC ISLAND. } ss.

Form of
certificate.

I hereby certify that the board of review and equalization of the city of Mackinac Island have reviewed, equalized and corrected the within assessment roll, and have determined the aggregate value of the real estate to be_____dollars, and the total value of the personal estate to be_____dollars for the year A. D._____

Dated_____

Clerk of the Board of Review.

Upon the completion of such roll and its endorsement in manner aforesaid, it shall be returned to the assessor and shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside, except for causes mentioned in the general laws of the State, relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not affect the validity of any such roll.

When rolls to
be returned to
assessor.

Rolls to be
deemed valid.

SEC. 5. Within sixty days after the confirmation of such rolls, as above provided, the assessor shall deliver a certified copy of his assessment roll to the city clerk, to be filed in his office for the use of the council.

Assessor to
certify amount
to county clerk.

SEC. 6. On or before the first Monday of October in each year, the city clerk shall certify to the county clerk of the county in which the city is located the aggregate amount of all sums which the council require to be raised for the next fiscal year for all city purposes, and the amount the school board report for schools and library and schoolhouse purposes, by general taxation upon all the taxable property of the whole city.

Clerk to certify
amount to be
raised to
county clerk.

SEC. 7. The board of supervisors of such county shall have the same powers and duties in regard to said taxes as they exercise under the general tax law of this State, in regard to township and school taxes and they shall direct that such of the several amounts of money proposed to be raised for all such purposes, and for schools, library, schoolhouse and all other purposes as shall be authorized by law to be spread upon the assessment roll of said city, and such action shall be deemed final as to the levy and assessment of all such taxes, and the clerk of said board shall certify to the assessor of said city for assessment therein, the amount so directed to be raised, giving the amount named for school, library and schoolhouse purposes in a separate sum, within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in the county for the year. Said clerk of the board shall also certify to the city clerk the amounts so directed to be raised as aforesaid.

Supervisors to
have same
powers as
under general
tax law.

City clerk to certify to assessor amounts to be assessed in special districts.

SEC. 8. On or before the first day of October, the city clerk shall certify to the assessor for the assessment therein, all amounts which the council require to be assessed or re-assessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person as a special assessment or otherwise within said city, together with a designation of the district, or description of the land or person upon whom or within which the several sums are to be assessed or reassessed, with such further descriptions and directions as will enable such assessor to assess the several amounts upon the property and person chargeable therewith.

Assessor to levy amounts certified by clerk of board.

SEC. 9. The assessor shall, at the time of levying State and county taxes in the city for the year, levy in the same roll upon all the taxable property in the ward, the amounts certified to him by the clerk of the board of supervisors as provided in section seven of this chapter, to be raised for city, school and library purposes placing the city taxes in one column, and the school, library and schoolhouse taxes in another column, and he shall also levy, in the same roll, upon the lands, property, and persons chargeable therewith, all special assessments and sums reported to him by the city clerk, as provided in section eight of this chapter, or in chapter twenty-eight of this act, for assessment or reassessment, in street districts, main or special sewer districts, or for other special assessments, placing all such special assessments in separate columns, and shall place the State and county taxes in other columns, and the total of all taxes assessed against any one valuation or parcel of property shall be added and carried out in the last column upon the right hand side of such roll.

Assessor to certify amounts levied to city clerk.

SEC. 10. The assessor on completing his roll shall certify to the city clerk the amounts of taxes levied in the roll for the State and county purposes, and for city and school taxes, special assessments and other purposes, and the clerk shall charge the said amounts to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, the assessor shall deliver a certified copy of the tax roll, with the taxes extended therein as aforesaid, to the city treasurer, with his warrant for the collection of taxes therein, annexed thereto.

City treasurer to give bond to county treasurer.

Assessor to give copy of roll, with warrant for collection.

Warrant, what to contain.

SEC. 11. The warrant annexed to such roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively; and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, and to pay over and to account for all moneys collected and specified in the roll as in the said warrant directed, on the first day of March then next ensuing. And the warrant shall authorize the treasurer, in case any per-

son shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

SEC. 12. All taxes thus assessed shall become at once a debt to the city from the person to whom they are assessed and the amounts assessed on any interest in real property shall, on the first day of December become a lien upon such real property; and the lien for such amounts and for all interest and charges thereon shall continue until payment thereof. All personal taxes shall also be a lien on all personal property of such persons so assessed from and after the first day of December in each year, and shall take precedence of any sale, assignment, chattel mortgage, levy or other lien on such personal property, executed or made after the first day of December, except where such property is actually sold in the usual or regular course of trade. Taxes a lien on property.

SEC. 13. Upon receiving the tax roll as above provided the city treasurer shall give notice immediately to the taxpayers of the city that such roll has been delivered to him, and that the taxes therein levied can be paid to him at his office before the first day of March next ensuing. That on all sums voluntarily paid before the tenth day of January of the succeeding year one per cent will be added for collection fees, and upon all taxes paid on or after the tenth day of January four per cent will be added for collection fees. Said notice shall be given by posting copies thereof in five public places in the city, and it shall be the duty of the treasurer to be at his office at such time previous to the tenth day of January as the council shall direct, and there receive payment of such taxes as may be offered to him. In case he may be apprehensive of the loss of any personal tax assessed upon his roll he may proceed to enforce such collection at any time, and if compelled to seize the property or bring suit before the tenth day of January he may add four per cent for collection fees. All percentage for fees collected by him under this act shall be retained by said treasurer or paid into the city treasury to the credit of the contingent fund, as the common council shall direct at the time of fixing the salary of the city treasurer. City treasurer to give notice when taxes can be paid.
Collection fees.
Notice, how given.

SEC. 14. For the collection of all taxes remaining unpaid on the tenth day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within this State and from which seizure no property shall be exempt. Collection of taxes unpaid the same as in townships.

SEC. 15. The county treasurer may issue new warrants to the city treasurer for the collection of taxes in the same manner and in the same cases, and with the same effect, as such new warrant may be issued to township treasurers. The city Treasurer, duty of.

treasurer may, and it shall be his duty to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law applicable to suits and evidence therein brought by township treasurers in the name of their township for such purposes, shall apply to suits brought by the city treasurer as aforesaid.

City same as township.

SEC. 16. For the purpose of assessing and levying taxes in said city for State, county, school and library purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the assessor in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

Duty of treasurer.

City treasurer to pay to township treasurer.

SEC. 17. The city treasurer shall, within one week after the time specified and directed in the warrant annexed to said tax roll, pay to the county treasurer the sums required in said warrant to be so paid, either in delinquent taxes on lands, or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

Delinquent taxes.

SEC. 18. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in said city, and be returned as delinquent to the county treasurer; and the city in respect to taxes levied therein and returned to the county treasurer, as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands for the payment of taxes levied for State, county and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in the city, except as herein otherwise provided.

CHAPTER XXX.

EDUCATION.

School district, powers of.

SECTION 1. Said city shall constitute a single school district. Such school district shall be a body corporate, by the name and style of the "Public schools of the city of Mackinac Island," and shall possess the usual powers of corporations for public purposes; and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased, acquired or disposed of by this chapter.

SEC. 2. The board of education of such public school shall consist of six trustees, who shall be qualified electors of the school district, and the regular annual election of school trustees shall be held on the first Tuesday of September of each year: **Board of education.** Provided, That the first election of school trustees under this chapter shall be held on the second Tuesday of July, A. D. nineteen hundred, and at said election two trustees shall be elected for the term of one year, two for the term of two years, **Proviso.** and two for the term of three years from the first Tuesday of September of such year, and the term for which each trustee is elected shall be designated on the ballot cast for him. **Term of office.** Annually thereafter two trustees shall be elected for a term of three years from and after the first Tuesday of September of the year when elected and until their successors are qualified and enter upon the duties of their offices. **Trustee.**

SEC. 3. Such annual election of school trustees as above provided shall be held at such place in said city as the board of education shall designate. The polls shall be opened at nine o'clock in the forenoon and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Said election shall be by ballot, and shall, except as herein otherwise directed, be conducted in all respects in the manner provided by law for conducting the election of officers in graded school districts. Notices of the time and place of holding such election shall be given by the secretary of the board, at least ten days before said election, by posting such notices in ten of the most public places in the city or by publishing a copy thereof in one or more newspapers published in the city, the same length of time before the election. **Election of trustees.** **Polls, when opened.**

SEC. 4. The president and secretary of the board of education and one other trustee, to be designated by the board, shall constitute a board of inspectors of such election after the first election and if any of said three trustees shall not be present at the time of the opening of the polls or remain in attendance, the electors present may choose viva voce such number of such electors as with the trustee or trustees present shall constitute a board of three inspectors of such election. Each of said inspectors shall take the required oath to faithfully perform the duties of inspector of such election. The president of the board shall be chairman of the board of inspectors; in his absence the inspectors shall elect one of their number as such chairman. Every person shall be entitled to vote at such election who is a qualified voter of the city and qualified by the laws of the State to vote at any election for school officers. The board of inspectors shall have the same authority and powers in maintaining and enforcing order and obedience to their lawful commands at such elections and during the canvass of the votes as are conferred by the general laws of the State upon school officers in similar cases. **Board of inspectors.** **Oath of.** **Chairman.** **Who entitled to vote.**

List of electors
to be made.

SEC. 5. The board of inspectors shall make a poll list of the names of persons voting at such election. They shall also have the right of access to the registration books of the city, if they deem it necessary, and for that purpose they may require the city clerk to attend said election with such registers.

Board to count
votes.

SEC. 6. When said polls shall be finally closed, the board of inspectors shall proceed publicly to count, determine and declare the number of votes cast and for whom, and shall on the same or on the next succeeding day make up and sign a statement in writing showing the whole number of votes cast and the number of votes cast for each person for whom votes were cast; which statement, together with the minutes and other papers of the election, shall be filed with the secretary of the

Who declared
elected.

board of education. The person or persons who shall have received the highest number of votes for such office of trustee for the several terms designated upon the ballot shall be declared elected by the board of trustees, and if two or more persons shall have received an equal number of votes where only one trustee is to be elected, the said board of trustees shall choose

Ballot box.

one of such persons by lot, as such trustee. The ballots shall, when the vote shall have been declared, be returned to the box, and the box be locked and sealed and deposited with the secretary at the time of the filing of said statement. Every person so declared elected to the office of school trustee, under the provisions of this act, shall, within five days after he has been declared elected, qualify, by taking and subscribing the required oath of office, and file the same with the secretary of the board of education.

Board of educa-
tion to pay
expenses.

SEC. 7. The board of education shall pay all the expenses of such election from the contingent fund of the district, and shall allow each inspector of election the same compensation as is allowed to inspectors at city elections.

Meeting of
board.

SEC. 8. At the first regular meeting of the board after each annual election, the board shall elect from their own number a president, and they shall also at such time elect a secretary, who may or may not be a member of the board, and whose duty shall be fixed and prescribed by the board: *Provided*, That whenever a secretary shall be elected who is not a member of the board, he shall have no vote therein. They shall meet from time to time, as they may determine, for the transaction of business, and shall keep a record of all their proceedings. The city treasurer shall be the treasurer of the public schools, as hereinbefore in this act provided.

Proviso.

Board to have
management
of district
property.

SEC. 9. The board of education shall have the control and management of the property, interests and affairs of the district, and of the schools organized, or that may be organized therein. They shall establish and maintain such primary and graded schools as the public interests may require; and when deemed expedient shall establish a higher school for instruction in the higher branches of education, authorized by the school

laws of the State. The schools of the district shall be public, and free to all children between the ages of five and twenty years, residing within the city; and shall be taught for such length of time, at least, during each year as is or may be required by law in respect to school districts having a like number of children of the ages aforesaid. Schools. to whom free.

SEC. 10. The board of education shall appoint and employ a superintendent, and the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of study to be pursued, the books to be used, classify the pupils as may be expedient, and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction to pupils not resident in the city, make all regulations necessary or required for the examination of teachers, determine the length of time the schools shall be taught each year, adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interest of education. Board to appoint teachers. etc.

SEC. 11. Said board shall maintain a district library, and may apply to the purchase of books therefor, in addition to the amount received on account of fines and forfeitures, such sum annually as they may deem expedient, and the township of Holmes and village of Mackinac are hereby empowered to transfer to said public schools of the city of Mackinac Island any library now belonging to said township or village, to be thereafter owned and maintained by the board of trustees of such school district. District library.

SEC. 12. The board of education shall have authority, and it shall be their duty, to designate and establish such number of sites for school-houses in the district as may be necessary and to purchase and procure the lands therefor, and to erect and maintain thereon, in proper repair, convenient and suitable schoolhouses and buildings for the use of the public schools, and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools; and may sell and dispose of any lands and property of the district when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property and improvements of the district; and the council shall also pass all necessary ordinances for that purpose. Board may establish sites for schools.

SEC. 13. The board shall cause a census to be taken annually of all the children between the ages of five and twenty years, residing in the district, within the time and in the manner required by law, and report the same and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys. For the purposes of distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township and said board shall be entitled to Census.

receive from the county treasurer or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city for the primary schools and district libraries.

Board shall
publish receipts
and expendi-
tures.

SEC. 14. The board shall during the last week of the month of August in each year, publish in some newspaper in the county a statement of the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued in such schools, and at the same time make and publish a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amount of salaries paid to officers, teachers and employes, and to whom paid, the obligations incurred during the year and the amount of indebtedness outstanding and to whom payable; and also the estimates required to be made, as in the next section mentioned of the expenditures for grounds and buildings and for the support of the schools for the ensuing year, and the items thereof, or instead of publishing said statement as above provided, such statement may be posted in five public places in said city not later than the last Monday in August of each year, which said statement shall be recorded with the proceedings of the board.

Board to
estimate and
report amount
necessary for
support.

SEC. 15. The board shall also make and deliver to the city clerk, annually, in the month of September, an estimate and report of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs and other incidental expenses and indebtedness falling due, and for the purchase of grounds and the construction of school buildings and support of the library, and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be, and it shall be the duty of the city clerk on or before the first Monday in October of each year to make and deliver to the county clerk a certified copy of the same, which sums so reported the board of supervisors shall cause to be raised by tax upon all the taxable property in the city, with the State and county taxes thereafter to be raised: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness and interest thereon incurred for grounds and buildings shall not exceed one-half of one per cent, and the amount for the support of the schools and for all the other purposes above mentioned shall not exceed one and one-fourth per cent of the dollar of the taxable valuation of the real and personal property in the city as shown by the tax roll of the preceding year, except as provided in section sixteen of this chapter.

Proviso.

Board may
borrow in
anticipation of
collections.

SEC. 16. For the payment of current expenses, the board may borrow, from time to time, in anticipation of the collection of taxes levied, or herein authorized to be levied, during the same

year for school purposes, such sum not exceeding twenty-five per cent of the tax, to be paid therefrom as they may deem expedient. Should any greater sum be required in any one year for the purchase of grounds, the erection of school buildings, and for the payment of indebtedness incurred for such purposes than can be raised under the provisions of the foregoing section, such sum, not exceeding two per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan and should any greater sum than one and one-fourth per cent of the taxable valuation of the real and personal property in the city, as shown by the tax roll of the preceding year, be required for the support of the schools and for all other purposes above mentioned in any year such additional sum not to exceed three-fourths of one per cent of the taxable valuation of real and personal property in the city for the preceding year may be raised by tax if authorized by a majority vote of the qualified electors of the district present at any general meeting or at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the county, or by posting copies thereof in ten public places in the city at least ten days before the meeting. For any sums borrowed and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

Vote required
to raise a
greater sum.

Notice to be
given.

SEC 17. The treasurer shall give bond to the public schools of the city, in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All school and library moneys receivable from the county treasurer and from the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out for any purpose except upon the written order of the president, countersigned by the secretary of the board. Any officer or person paying to the treasurer any money belonging to the public schools shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

Treasurer to
give bond.

SEC. 18. The secretary of the board shall receive such compensation for his services as such officer as the board shall determine; otherwise no member of the board shall receive any compensation. No member of the board shall be a party to or interested in any contract with the public schools.

Secretary, com-
pensation of.

SEC. 19. All the school buildings, property and effects situated within the village of Mackinac and said township of Holmes shall be vested in, and be the property of the district hereby designated as the public schools of the city; and all the debts and liabilities of any school district within the territory incorporated as a school district by this act shall be the debt of, and be paid by, the district as herein constituted; and any

Property to be-
long to district.

suit pending against any such former school district shall be continued to judgment. Any tax levied and uncollected in any such former district shall be collected and enforced in the same manner as if such new incorporation had not taken place.

Vacancies.

SEC. 20. All resignations of trustees shall be made to the board of education, subject to their approval and acceptance. The board shall have power to fill any vacancies that may occur in their number until the next annual election.

**Inspectors for
"first" election.**

SEC. 21. At least two weeks before the time of holding the first election of trustees under this chapter the council of said city of Mackinac Island shall appoint three qualified electors of said city, who shall serve as inspectors of election for the said first election, and shall exercise all the powers and perform all the duties imposed by this chapter on inspectors of election for school trustees.

Present officers.

SEC. 22. All present school officers in said township of Holmes, and in said village of Mackinac shall continue to exercise the duties of their several offices until the first day of July nineteen hundred.

CHAPTER XXXI.

MISCELLANEOUS.

**Real and per-
sonal property.**

SECTION 1. Said city shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to the said township of Holmes and village of Mackinac as formerly incorporated, and no rights or liabilities either in favor of or against such former corporations existing at the time this act shall take effect, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the said former corporation shall be deemed to be the debts and liabilities of the city of Mackinac Island, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: Provided, That when a different remedy is given in this act which can be made applicable to any rights existing at the time of the incorporation of the said city under this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Proviso.

**Officers to con-
tinue in office.**

SEC. 2. All the officers of the village of Mackinac and of the said township of Holmes elected or appointed and in office at the time of the passage of this act shall continue to exercise their respective functions until the second Monday in April A. D. nineteen hundred and until their successors under the provision of this act shall have qualified and entered upon the duties of their offices, unless herein otherwise provided.

SEC. 3. The by-laws and ordinances of the said village of Mackinac, and the rules and regulations of the council, and of the board of health or other board or boards of such village and township heretofore in force and not inconsistent with this act shall remain in force after the passage of this act, and are hereby declared to be reenacted by virtue of and under the powers conferred by this act until altered, amended or repealed by the council or such board as the case may be.

By-laws to remain in force.

SEC. 4. All licenses granted by said village of Mackinac under its former act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were granted.

Licenses.

SEC. 5. The first election of officers for such city under the provisions of this act shall be held on the first Monday in April in the year of our Lord nineteen hundred and notice thereof and of the officers to be elected thereat shall be given and the election held and conducted, the votes canvassed, the result determined and notice given to persons elected in the same manner and within the same time as herein provided.

Officers, election of.

SEC. 6. All process against said city shall run against the city in the corporate name thereof and may be served by leaving a certified copy with the mayor or city clerk at such time and manner as may be provided by law.

All process to run in name of city.

SEC. 7. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within said city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds of the county in which such city is located until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance or resolution as in this act provided.

Council to approve plats, etc.

SEC. 8. Said city shall not become the owner or holder of stock or shares in any incorporated company.

City not to hold stock in incorporated company. Publication of proceedings.

SEC. 9. When, by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be made by publication, or by the person posting the same, when required to be by posting, shall be prima

Proviso.

facie evidence of the facts therein contained: *Provided*, The same shall be filed with the city clerk within six months from the date of the last publication thereof, or of posting the same.

City may issue bonds in payment of judgment.

SEC. 10. Whenever any judgment or decree of any court shall be rendered or decreed against said city, and said city shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the council to issue the bonds of such city to an amount not exceeding the sum of such judgment or decree, and the taxed costs, arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such time and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the council, and such bonds shall be sold and disposed of at not less than their par value, in such manner as may be deemed advisable by said council.

Approved June 9, 1899.

[No. 438.]

AN ACT to Restrict the Authority of the Common Council of the City of Monroe in Letting Contracts for Water supply, or for Gas, Electric or other Lights.

The People of the State of Michigan enact:

When certain contracts shall not be made.

SECTION 1. No contract for the supplying of the city of Monroe and the inhabitants thereof with water, as contemplated by section eleven of chapter twenty-six of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the Incorporation of Cities of the Fourth class;" and no contract for the supplying of the city of Monroe or the inhabitants thereof, or both, with gas, electric or other lights, as contemplated by section eight of chapter twenty-seven of said act two hundred fifteen, shall be made or entered into by the common council of the city of Monroe, for a longer term than one year, until authorized by a majority vote of the electors of said city of Monroe voting thereon at any regular or special election called for that purpose. And the question of entering into any such contract for water supply or for gas, electric or other lights, shall not be submitted to the electors of said city of Monroe, until the person, persons, firm or corporation agreeing to accept such contract shall have filed with the clerk of said city a bond, in such sum as the said common council shall determine, approved by said council, conditioned for the due and faithful performance of such contract.

SEC. 2. In all other respects the common council of the said city of Monroe, in the matter of entering into the contracts contemplated in section one of this act, shall be governed by the provisions of said act two hundred fifteen.

This act is ordered to take immediate effect.

Approved June 9, 1899.

[No. 439.]

AN ACT to provide for a Township System of Roads in the County of Menominee, and to prescribe the Powers and Duties of the Officers having charge thereof.

The People of the State of Michigan enact:

SECTION 1. That the township board of any township situated in the county of Menominee shall submit the question of adopting the township road system to a vote of the electors of such township whenever petitioned to do so by at least twelve freeholders of township, and after the adoption by said township board of the following resolution:

Act to govern council.

How townships may adopt township road system.

“Resolved, That the question of adopting the township road system be submitted to a vote of the electors of the township of _____ at the _____ election to be held on the _____ day of _____, 1 ____.”

Form of resolution.

Such vote may be taken at the annual township election in such township or at any special election called for that purpose.

When vote may be taken.

SEC. 2. Notice to the electors of any such township of the question of the adoption of the township road system shall be given by the township clerk at least ten days previous to the time of holding such election. Such notice shall be addressed to the electors of such township, and set forth the petition to the township board, together with a copy of the resolution, and shall further give notice that said question will be stated on the ballot to be used at said election as follows: “Shall the township road system be adopted by the township of _____?”

Notice, when given.

Question, how stated.

Said notice may be in form following viz:

“To the electors of the township of _____. Notice is hereby given that at a meeting of the township board of said township, held on the _____ day of _____, 1 _____, a petition signed by twelve freeholders of said township being presented to said board, the following resolution was adopted by the members of said board, viz:

Form of notice.

“Resolved, That the question of adopting the township road system be submitted to a vote of the electors of the township of _____ at the _____ election to be held on the _____ day of _____, 1 _____. Notice is further given that

said question will be stated on the ballot to be used at said election as follows:

‘Shall the township road system be adopted by the township of _____?’

Dated _____

Clerk of the Township Board of the
Township of _____

How printed
where posted,
etc.

SEC. 3. Said township clerk shall cause such notice to be printed in the form of a hand bill, to be posted in three or more public places in such township at least ten days before the time of such election. Proofs of the posting of such notice may be by affidavit of any persons knowing the facts, and filed in the office of the township clerk, and shall be recorded in the record of the proceedings of such township board. Ballots shall be prepared and distributed by the same officers prescribed by law for general elections. The question shall be stated on such ballots as follows, viz.: “Shall the township road system be adopted by the township of _____?” And immediately below on different lines shall be printed the word “Yes” and the word “No.” At the time mentioned in such resolution, said election shall be held and the vote taken accordingly. The result of said election shall be recorded in the records of said township.

Form of ballot.

Result of elec-
tion to be
recorded.

Number of
votes necessary
to adopt.

SEC. 4. If upon a canvass of the votes cast at such election it shall appear that a majority is in favor of the adoption thereof, then the township road system shall be considered as adopted in such township, and thereupon the provisions of this act shall become operative in such township.

Duty of town-
ship board.

SEC. 5. In any township where the township road system shall be adopted, it shall be the duty of the township board to divide said township into two road districts.

Overseer and
commissioner
of highways,
when elected.

SEC. 6. At the first annual election in such township subsequent to the adoption by such township of the township road system, and at each annual election thereafter, there shall be elected one overseer of highways for each of the two said road districts, and also one commissioner of highways, who together with the township clerk shall constitute the board of township roads: *Provided*, That the township clerk shall have no vote upon any question before the board, excepting in the case of the absence of one of the members of said board.

Proviso.

Vacancy, how
filled.

SEC. 7. Whenever a vacancy shall occur in the office of any of the members of the board of township roads, it shall be the duty of the township board to fill such vacancy by appointment, and the person so appointed by such board shall hold his office during the unexpired term thereof, and until his successor is elected and qualified.

Board may lay
out, construct,
etc., roads.

SEC. 8. Said board of township roads shall have authority to lay out, grade, drain, construct, gravel or macadamize any road under their control, or to place thereon any other form of improvement which in their judgment may seem best, and may

extend and enlarge such improvements. They shall have authority to construct bridges and culverts on the line of such roads, and to repair and maintain such roads and bridges and culverts. They shall have all the authority in respect to such roads which is at present vested in highway officers in townships relative to encroachments thereon. Such board of township roads may maintain in their own name an action for any injury to any township road or to any part of the whole width thereof as laid out and established, or to any of the improvements thereon. All moneys recovered in any such action shall be paid to the township treasurer to the credit of the highway fund: *Provided*, That each member of the board of township roads shall receive for his services not to exceed two dollars per day during the time actually employed in the performance of his duties. But no member of the board of the township roads shall receive more than fifty dollars in any one year for any such services, and the township clerk acting as the clerk of the board of township roads shall receive not to exceed one dollar and fifty cents per day or seventy-five cents per half day for his services while actually engaged as clerk of such board. The amount of compensation of the board of township roads shall be determined and audited by the township board and shall be paid out of the contingent fund of such township.

Further authority as to bridges, etc.

May maintain action for injury.

Moneys, where paid.

Proviso.

Board to determine salaries.

SEC. 9. The board of township roads shall hold their first meeting on the first Monday in May, at which meeting they shall elect one of the members of said board as chairman, who shall preside at all meetings during the year, and there shall be held at least one meeting on the first Monday of each of the following months: June, July, August, September and October of each year, on which days the board of township roads shall receive, consider and act upon all petitions for laying out, constructing, repairing and discontinuing township roads and bridges and transact such other business as may legally come before them.

Meetings, when held.

SEC. 10. The board of township roads shall have all the powers and perform all the duties at present delegated by statute to the commissioner of highways and overseers of highways except as provided in this act. It shall be unlawful for any member of the board of township roads to hold any office by reason of which he would become a member of the township board.

Powers and duties of board.

SEC. 11. The board of township roads shall in no wise either directly or indirectly be interested in furnishing any material or labor used in the construction, maintenance or repairing of any road, bridges or culverts on any of the township roads located in their township.

Board not to be interested in any contract.

SEC. 12. The board of township roads shall employ at least one foreman, who shall not be a member of said board, and whose duty it shall be to keep the time of the persons employed upon such township roads, and to keep account of all materials used upon such township roads, and to certify the same to the

May employ a foreman, duties of.

- board of township roads, he shall hire the required number of men and personally supervise the work done upon the township roads under the direction of the board of township roads, and he shall perform such other duties as may be required of him by such board of township roads. The foreman shall receive such compensation for his services as the board of township roads shall determine, not to exceed two dollars per day while actually engaged in such work, to be paid out of the contingent fund of the township.
- Compensation.**
- Unlawful to work out road tax.** SEC. 13. Hereafter it shall be unlawful in any township in the county of Menominee, where the township road system has been adopted, for any tax-payer of such township, who shall be liable to assessment for township taxes, to work out the same upon any of the roads of such township, but the same shall be paid in money to the township treasurer to be applied to the highway fund and to be collected as other township taxes.
- Supervisor to raise tax.** SEC. 14. The supervisor of such township where the township road system is adopted, shall, upon the recommendation of the board of township roads and approved by the township board, assess upon the taxable property of his township all such sums as the board of township roads may at their September meeting determine necessary, to be raised for improvements on highways, bridges and culverts in such township not exceeding six dollars upon each one thousand dollars valuation according to the assessment roll of the last preceding year. And the township board on or before the first day of June of each year shall by a majority vote of the members thereof, place to the credit of the highway fund of such township not less than one-half nor more than two-thirds of all moneys collected by the county treasurer and placed to the credit of such township for the licensing of the sale of malt, brewed, fermented, spirituous and intoxicating liquors in such township: *Provided*, That this shall not apply to any moneys that may have been collected from the licensing of the sale of malt, brewed, fermented, spirituous and intoxicating liquors within the limits of any incorporated village in such township.
- Board may credit certain moneys to highway fund.**
- Proviso.**
- Who to audit accounts.** SEC. 15. All accounts against any such township for work and labor performed on any of the roads of such township or for material furnished shall be audited by the said board of township roads, and if allowed by said board, it shall be the duty of the clerk of said board of township roads to draw orders on the treasury of such township in payment of such accounts, which orders shall be countersigned by the chairman of the board of township roads, and the treasurer of such township shall, upon the presentation of such order to him, pay the same out of any moneys in his hands belonging to the highway fund or bridge fund of such township.
- When allowed clerk to draw orders on treasury.**
- When board to render account.** SEC. 16. At the last meeting of the township board of such township, previous to the annual election, the board of township roads shall render to the township board an account of all.

moneys expended on the roads in such township for labor and material during the preceding year, together with the amount of compensation received by each member of said board and the foreman employed by them. And it shall be the duty of the township board to make proper entry thereof in their journal.

SEC. 17. Each commissioner of highways and each overseer of highways, constituting the board of township roads, before entering upon the duties of his office, and within the time limited by law for the filing of his official oath, shall give bonds with one or more sufficient sureties to the township in the penal sum of one thousand dollars to be approved by the supervisor of such township, conditioned for the faithful performance of his duties and the faithful disbursement of all moneys that may come into his hands by virtue of his office. Said bond shall be filed with the township clerk, who shall safely keep the same in his office.

Certain officers to execute bond.

Where filed.

SEC. 18. In laying out any highway under the provisions of this act, the same proceedings in regard to acquiring the right of way for such highway shall be had as is now provided for under the general law. Whenever a highway shall be laid out or altered upon a section line or elsewhere within the township, the board of township roads shall cause a competent surveyor or civil engineer to make an accurate survey of the center line thereof, describing the commencing and terminating point of the same from some established corner or a regular subdivision of a section or other determinable point. It shall be the duty of the surveyor, or civil engineer, making such survey to file in duplicate in the county surveyor's office and in the office of the township clerk of such township the minutes of such survey within thirty days after such survey is made: *Provided*, That whenever the person making the survey shall find no regularly established government corner, he shall describe the manner by which he located, and the method by which he has perpetuated such missing corner, and the same shall be a part of the record returned by him to the county surveyor.

Proceedings when laying out highways.

Proviso.

SEC. 19. It shall be the duty of the township clerk at the annual election in any such township to post conspicuously at or near the polling places a detailed statement of the cost of any improvement upon or construction of any road, bridge or culvert made during the year in any such township, showing also the amount of compensation received by the members of the board of township roads and the foreman employed by them.

Duty of clerk at election.

SEC. 20. Before any damages shall be awarded under the provisions of the statutes of this State in consequence of laying out or altering any highway, the person or persons so damaged shall sign a release of all their right, title and interest in and to so much of their land as shall be used by the board of township roads for such highway, which release shall be filed for record

Proceedings in case of damages.

Proviso. in the office of the township clerk of such township: *Provided*, That no damages shall be awarded or paid to any person or persons entitled thereto in consequence of laying out or altering any such highway before survey of such highway has been made.

How township may vote adopting road system. SEC. 21. Any township in said county may rescind the vote by which it has adopted the township road system by submitting the question to a vote of the electors of the township in the same manner as is provided for the adoption of the same.

Acts repealed. SEC. 22. All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.
This act is ordered to take immediate effect.
Approved June 9, 1899.

[No. 440.]

AN ACT to Legalize certain Bonds of the City of St. Joseph.

The People of the State of Michigan enact:

Legalizing bonds. SECTION 1. That all the proceedings of the electors and common council of the city of St. Joseph, in the county of Berrien, heretofore had in respect to the issue of the city bonds of said city, the same being twenty-one thousand dollars in amount, all of which bonds bear date of June first, eighteen hundred ninety-nine, are hereby legalized, and the said bonds are declared to be the binding obligation of the city of St. Joseph, anything in the charter of said city to the contrary notwithstanding.

This act is ordered to take immediate effect.

Approved June 13, 1899.

[No. 441.]

AN ACT to provide for the Retirement of Aged and Disabled Policemen, and the payment of Pensions to the Wives and Children of deceased Policemen killed in the Service of the City of Bay City.

The People of the State of Michigan enact:

Who may be retired. SECTION 1. Any person who has been a member of the police department of the city of Bay City, or employed by the police commission of said city for a period of twenty-five years subsequent to May fourteenth, eighteen hundred seventy-seven

may be placed on the list of retired policemen on account of disability, by unanimous vote of said commission. Any person in the employ of the said commission, who may hereafter be totally disabled in the discharge of his duty, as such policeman for duty, may in a like manner be placed in the list of retired policemen. And all such retired policemen shall receive a sum equal to one-half of their annual salary paid them at the time of their retirement, annually thereafter, to be paid in monthly or semi-monthly payments during the remainder of their natural lives, such moneys to be collected and paid in the manner hereinafter provided.

Amount
received.

How paid.

SEC. 2. In case any person in the employ of the police commission of said city of Bay City shall be killed while in the discharge of his duty, or shall receive injuries which result in his death within one year thereafter, the widow first, or children, if there is no widow, and if such person shall leave no widow or children, then the mother of such person, if dependent upon him for support, shall by unanimous vote of the police commission be paid a pension. The widow or dependent mother shall receive the sum of three hundred dollars annually in equal monthly payments of twenty-five dollars each during the term of her natural life, or until she re-marries, in which case all payments of moneys under this act to such widow or dependent mother shall cease. In case of the death of such widow, the same amount shall be paid to such children as shall be under the age of sixteen years at the time of the death of said widow; the money to be equally divided among such children according to the number. In case such deceased person shall leave no widow, but one or more children, such child or children shall receive in equal proportion according to the number of such children, the same amount as would have been paid to the widow, such payments to be made monthly or semi-monthly as hereinbefore provided, and to continue until such child or children shall attain the age of sixteen years respectively. In case of the death of one or more children, their share of such pension shall be paid to the survivor, provided they are under the age of sixteen years: *Provided however*, That the amount paid to any one child shall not exceed the sum of twelve dollars per month. The money for the payment of such pension shall be collected and paid in the manner hereinafter provided.

In case of death
who to receive
pension.

Amount
received.

Proviso.

SEC. 3. Whenever any person is placed on the retired list as provided in this act, it shall be the duty of the police commission to promptly report its action to the comptroller of the city of Bay City, giving the names of the persons retired, together with a full statement of facts connected with the retirement of such person or persons. It shall be the duty of the comptroller to register the names of such persons as being retired policemen of the police department of the city of Bay City, and as hereinafter provided, countersign all orders issued to them for moneys due them under this act.

Duty of police
commission.

Duty of
comptroller.

Record, where kept.

What to contain.

Application to be made.

Commission to give notice to comptroller.

Duty of council on passage of this act.

Proviso as to interest.

Payments when made.

Certificate to be countersigned.

SEC. 4. There shall be kept in the office of the police commissioners by the secretary, a book to be known as the list of retired policemen. This book shall give a full and complete history and record of the action of the police commission in retiring any and all persons under this act; such record to give the names, date of joining the department, date of retirement, and the reason therefor, if any, and all persons retired. When the widow or children or dependent mother, or either of them, shall be entitled to a pension as hereinafter provided, such widow or children or dependent mother shall make application for a pension to the police commission through the secretary of such commission on a form to be provided by such commission. Accompanying such application shall be the proof of the marriage of the deceased to the widow of claimant, such proof to be established by the marriage certificate or other competent evidence of the marriage relation. Proofs of the births of the children shall be shown by the certificate of the attending physician or other competent evidence. The proof of the dependency of the mother shall be shown by the affidavit of such mother and two disinterested persons. All applications and proofs shall be retained in the custody of the police commission. Whenever such application for pensions are allowed by the police commission, due notice of such action, with the names of all pensioners shall be given to the comptroller of the city of Bay City, who shall cause such persons to be registered in his office as pensioners of the police department of the city of Bay City.

SEC. 5. Immediately on the passage of this act, the common council of the city of Bay City, shall cause to be transferred upon the books of said city, all moneys heretofore earned by the police department as rewards, which may have been paid in, and placed to the credit of the general fund of said city, and all moneys hereafter earned in like manner shall also be credited to said fund. All moneys collected under this act, shall be placed to the credit of, and be known as "Police Pension Fund," and shall be at the disposal of the board of police commissioners: *Provided however,* If said fund is left with the city treasurer, the same shall draw interest at the rate of four per cent per annum.

SEC. 6. At the regular meeting in each and every month the police commission shall order the payment of moneys due all persons under this act. A voucher shall be prepared for the payment of each person entitled to moneys, the corrections of the same to be duly certified to by the chairman of the police commission, and the fact of the allowance of the claim duly attested by the comptroller of the city. The comptroller shall then certify the allowance of said claim to the city recorder. The certificate shall be countersigned by the president of the police commission, and shall state the object for which it is drawn. Upon presentation of the certificate to the recorder, he shall draw his warrant on the city treasurer for the amount

of the certificate, the same to be paid from and charged to the "Police Pension Fund."

SEC. 7. Before issuing any certificate for the payment of a pension, it shall be the duty of the secretary of the police commission to examine under oath all pensioners, with a view to ascertaining if they are at the time entitled to a pension as provided for in this act, and whenever the said secretary shall learn that any person has ceased to be entitled to a pension as herein provided for, he shall record the fact on the roll of pensioners and promptly notify the comptroller of such disability, and such person shall be thereupon dropped from the rolls. Duty of secretary of commission.

SEC. 8. All payments made under this act shall be made on the regular pay day for the police department in each month: Payments to be made on regular pay day. *Provided however,* That the first payment shall be for the period intervening between the date of the allowance of such pension and the date of making such first payment: Proviso. *Provided further,* Nothing in this act shall in any way make the State liable for the payment of any moneys herein provided for. Further proviso.

SEC. 9. All acts or parts of acts inconsistent with this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 442.]

AN ACT to amend section twenty-eight of Chapter twenty of an Act, entitled "An Act to Incorporate the City of Jackson," approved February fourteen, eighteen hundred fifty-seven, as amended by the several Acts amendatory thereof.

The People of the State of Michigan enact:

SECTION 1. That section of twenty-eight of chapter twenty of an act, entitled "An act to incorporate the city of Jackson," approved February fourteen, eighteen hundred fifty-seven, as amended by the several acts amendatory thereof, be amended so as to read as follows: Section amended.

SEC. 28. Said warrant may be renewed from time to time by the recorder, if the council shall so direct, and for such time as they shall determine, but not to exceed four months in all, after the expiration of the sixty days mentioned in section twenty-five of this chapter, and during the time of such renewal the warrant shall have the same force, and the treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the treasurer unpaid as aforesaid, the same shall then be returned by the treasurer to the treasurer of the county When warrant may be renewed. Returned assessments, how collected.

Special assessments, when returned.

Duty of Auditor General as to certain assessments.

Idem.

of Jackson, with interest included from the date of the confirmation of the assessment, and the same shall be collected by the said county treasurer for the benefit of the city of Jackson as other delinquent taxes against real estate are collected as hereinafter provided; but all special assessments which are delinquent for any year, shall be returned by the treasurer to the county treasurer at the same time the delinquent taxes upon the general tax roll for that year are returned; and the city treasurer shall indicate by his certificate upon each statement of special assessments returned as unpaid, the year for which such assessments are delinquent. And the Auditor General of the State of Michigan is hereby authorized and directed as to the following special assessments which are delinquent for the year eighteen hundred ninety-seven to proceed to a sale of the lands upon which said assessments are made, under the general tax laws of the State, for unpaid taxes for said year eighteen hundred ninety-seven, to-wit: Mechanic street pavement, third installment, roll number seventy-four; East Main street pavement, third installment, roll number seventy-five; Francis street pavement, third installment, roll number seventy-six; Mill street pavement, third installment, roll number seventy-seven; Cortland street pavement, third installment, roll number seventy-nine; West Main street pavement, first installment, roll number eighty-eight; Franklin street sewer number two, roll number eighty-seven; Trail street sewer, roll number eighty-nine; Pringle avenue, Page avenue and Railroad street sewer, roll number ninety; Detroit street sewer extension, roll number ninety-one; Bennett street opening and extension, roll number ninety-two; and the Auditor General of the State of Michigan is also authorized and directed as to the following special assessments which are delinquent for the year eighteen hundred ninety-eight, to proceed to a sale of the lands upon which said assessments are made under the general laws of the State for unpaid taxes for said year eighteen hundred ninety-eight, to-wit: Mechanic street pavement, fourth installment, roll number seventy-four; East Main street pavement, fourth installment, roll number seventy-five; Francis street pavement, fourth installment, roll number seventy-six; Mill street pavement, fourth installment, roll number seventy-seven; Cortland street pavement, fourth installment, roll number seventy-nine; West Main street pavement, second installment, roll number eighty-eight; Van Buren street opening and extension, roll number ninety-four; Pearl street pavement, first installment, roll number ninety-five; Cooper street pavement, first installment, roll number ninety-six; Milwaukee street pavement, first installment, roll number ninety-eight; Jackson street pavement number two, first installment, roll number ninety-nine; East Main street

sewer, roll number one hundred sixteen; Detroit street sewer extension number two, roll number one hundred seven; Ingham alley sewer, roll number one hundred eight.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 443.]

AN ACT to Facilitate the Construction and Maintenance of Sidewalks in Road Districts numbers Ten, One and Fourteen, in the Township of Ecorse, Wayne County, Michigan.

The People of the State of Michigan enact:

SECTION 1. That there shall be annually appropriated out of any moneys in the township treasury, of the township of Ecorse, in the county of Wayne, not otherwise appropriated, the sum of two hundred dollars for road district number ten; the sum of three hundred dollars for road district number one; the sum of four hundred dollars for road district number fourteen, for the purpose of the construction and maintenance of sidewalks in said roads districts.

Annual appropriation.

Amount of.

How used.

SEC. 2. The overseers of highways of said road districts shall have the power to locate and construct said sidewalks and purchase the material necessary to be used therein, and employ all the labor necessary to aid in constructing the same. All payments to be made for the labor and material used in the construction and maintenance of said sidewalks shall be paid by the township treasurer, upon the warrant of the overseer of highways for the road district where said sidewalks have been constructed or maintained, and whether for labor or materials.

Powers of overseers.

Payments, how made.

SEC. 3. Said overseer of highways shall in the month of January of each year make and file with the township clerk of said township an itemized sworn statement of all the moneys expended by him during the preceding year, in the construction and maintenance of sidewalks in his road district.

Overseer to file itemized statement.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 444.]

AN ACT to provide for the construction of a bridge across Grand river, in the township of Plainfield, in the county of Kent, and for the raising of funds to defray the cost and expense thereof.

The People of the State of Michigan enact:

Township board
to construct
bridge.

Proviso.

Question of
raising money
submitted to
electors.

Form of ballot.

When board to
construct
bridge.

Limit of cost.

Cost, how
assessed.

SECTION 1. That the township board of the township of Plainfield, in the county of Kent, be and is hereby authorized to and shall construct a public bridge across the Grand river, near the center of section twenty-three of said township of Plainfield, at a point where the State road, commonly known as the Plainfield Avenue Gravel Road, across said river, at a cost of not more than ten thousand dollars: *Provided*, That a majority of the qualified electors of said county, voting on the question as hereinafter provided, shall so determine, and not otherwise.

SEC. 2. The question of raising the money to build said bridge shall be submitted to the qualified electors of the county of Kent, at the regular spring election held therein in the year nineteen hundred, and the vote upon the question shall be by ballot. The electors voting in favor of the county of Kent raising the necessary money to build said bridge shall have written or printed upon their ballots the words, "Shall the county of Kent raise the money to build a bridge across Grand river at Plainfield,—YES." The electors voting against the county of Kent raising the necessary money to build said bridge shall have written or printed upon their ballots the words, "Shall the county of Kent raise the money to build a bridge across Grand river at Plainfield,—NO."

SEC. 3. A majority of the qualified electors of said county, voting in their respective townships in said county, and in the respective wards of the city of Grand Rapids in said county, voting on said question, shall authorize the assessing and collecting of the amount necessary to build said bridge, and the township board of the township of Plainfield shall cause the said bridge to be constructed, the cost not to exceed the amount of ten thousand dollars, and after the construction of said bridge the township of Plainfield shall forever thereafter maintain the same.

SEC. 4. One-half the cost of said bridge and the construction thereof shall be assessed on the taxable property of the several townships in the said county of Kent, and the several wards of the city of Grand Rapids in said county, according to their assessed valuation, in the year nineteen hundred, and one-half thereof in the year nineteen hundred one, and the same shall be collected in the same manner as other taxes, and shall be paid by the respective township treasurers, and the treasurer of the city of Grand Rapids, into the hands of the county treas-

urer of said county, who shall hold the same as a separate fund, and pay out the same only on orders of the township board of the township of Plainfield, for the purpose of constructing of said bridge, or for paying indebtedness incurred on account of such construction, and for no other purpose.

Approved June 15, 1899.

[No. 445.]

AN ACT to Authorize the City of Grand Rapids in the County of Kent, and State of Michigan, to Borrow Money to be Expended in the Construction of a Bridge across Grand River at Bridge Street in said City.

The People of the State of Michigan enact:

SECTION 1. That the City of Grand Rapids in the county of Kent, and State of Michigan is hereby authorized and empowered to borrow money on the faith and credit of said city, and to issue bonds therefor to an amount not to exceed one hundred thousand dollars, which shall be expended in construction of a bridge across Grand river at Bridge street in said city: Provided, That a majority of the electors of said city voting on the question at any special or regular election at which said question of bonding shall be submitted shall so determine in compliance with the provisions of this act, and not otherwise. Bond issue.
Amount.
Proviso.

SEC. 2. The common council of said city is hereby authorized and empowered to submit the question of said loan to the qualified voters of said city, giving due notice thereof by causing the date, place of voting and object of such election, to be stated in written or printed notices posted in public places in each of the wards of said city, and by publishing in not less than two daily papers published in said city for a period of five days; said notice to be issued not less than ten days prior to said election; the amount of money proposed to be raised and the purposes for which it shall be expended. Council to submit question to electors.
Notice.

SEC. 3. The vote upon the question shall be by ballot, either written or printed, or partially written or partially printed; those electors voting for said loan shall have written or printed upon their ballots the words, "To authorize the city of Grand Rapids to issue bonds to the amount of one hundred thousand dollars for the building of a bridge at Bridge street, Yes;" and those voting against the loan shall have written or printed on their ballots the words, "To authorize the city of Grand Rapids to issue bonds to the amount of one hundred thousand dollars for the building of a bridge at Bridge street, No." Form of ballot

When council
may issue
bonds.

How
negotiated.

SEC. 4. If a majority of the qualified electors of said city voting in their respective wards upon said question shall have authorized the issuing of said bonds by their votes at any regular election, or at a special election called for the purpose of voting upon said question, the common council of the city of Grand Rapids shall take immediate steps to prepare the proper bonds, to be issued in such denominations as said council may direct, not exceeding the amount hereinbefore limited; said bonds to be signed by the mayor and countersigned by the comptroller, and shall cause the same to be disposed of upon such terms as may be advisable, but not for less than the par value thereof, and the proceeds thereof shall be placed in the city treasury, and by the city treasurer deposited in the city depository as a special fund, and the city treasurer shall open an account thereof under the name of "The Grand Rapids Bridge Street Bridge Fund."

This act is ordered to take immediate effect.
Approved June 15, 1899.

[No. 446.]

AN ACT to authorize the City of Saginaw to borrow Money, to be used in Building a Bridge and Approaches, at Genesee street, across the Saginaw river, in the City of Saginaw, County of Saginaw, and to issue Bonds therefor.

The People of the State of Michigan enact:

Bond issue.

Amount of.

Rate of
interest.

Proceeds, how
used.

Who to make
imprcvements.

SECTION 1. That the common council of the city of Saginaw, be and it is hereby authorized and empowered to borrow, on the faith and credit of said city, the sum of not exceeding two hundred thousand dollars for a period of not exceeding twenty years at a rate of interest not exceeding five per cent per annum and to make, execute, negotiate, issue and sell the bonds of said city therefor, with proper interest coupons attached thereto, in such manner as said common council shall determine, which said bonds in no case shall be sold for less than their par value.

SEC. 2. Said bonds shall be denominated bridge bonds and the proceeds thereof shall be used in defraying the expense of building approaches to and the building of a bridge across the Saginaw river, at Genesee street, in the city of Saginaw, county of Saginaw and State of Michigan, and for no other purposes.

SEC. 3. Said improvements shall be made and money expended therefor by the Board of public works under the direction of the common council.

This act is ordered to take immediate effect.
Approved June 15, 1899.

[No. 447.]

AN ACT to provide for the construction of a bridge across Grand river in the township of Ada, in the county of Kent, and for the raising of funds to defray the cost and expense thereof.

The People of the State of Michigan enact:

SECTION 1. That the township board of the township of Ada, in the county of Kent, be and is hereby authorized to and shall construct a public bridge across the Grand river, on section seven in township seven, north of range ten west, on the highway running across said section and crossing said river, at a cost of not more than ten thousand dollars: *Provided*, That a majority of the qualified electors of said county, voting on the question, as hereinafter provided, shall so determine, and not otherwise.

Township board
to construct
bridge.

Provided.

SEC. 2. The question of raising the money to build said bridge shall be submitted to the qualified electors of the county of Kent, at the regular spring election held therein in the year nineteen hundred, and the vote upon the question shall be by ballot. The electors voting in favor of the county of Kent raising the necessary money to build said bridge shall have written or printed upon their ballots the words "Shall the county of Kent raise the money to build a bridge across Grand river at Ada,—YES." The electors voting against the county of Kent raising the necessary money to build said bridge shall have written or printed upon their ballots the words "Shall the county of Kent raise the money to build a bridge across Grand river at Ada,—NO."

Question of
raising money
submitted to
electors.

Form of ballot.

SEC. 3. A majority of the qualified electors of said county, voting in their respective townships in said county, and in the respective wards of the city of Grand Rapids in said county, voting on said question, shall authorize the assessing and collecting of the amount necessary to build said bridge, and the township board of the township of Ada shall cause the said bridge to be constructed, the cost not to exceed the amount of ten thousand dollars, and after the construction of said bridge, the township of Ada shall forever thereafter maintain the same.

When board to
construct
bridge.

Limit of cost.

SEC. 4. One-half the cost of said bridge and the construction thereof shall be assessed on the taxable property of the several townships in the said county of Kent, and the several wards of the city of Grand Rapids in said county, according to their assessed valuation, in the year nineteen hundred, and one-half thereof in the year nineteen hundred one, and the same shall be collected in the same manner as other taxes, and shall be paid by the respective township treasurers, and the treasurer of the city of Grand Rapids into the hands of the county

Cost, how
assessed.

treasurer of said county, who shall hold the same as a separate fund, and pay out the same only on orders of the township board of the township of Ada, for the purpose of constructing of said bridge, or for paying indebtedness incurred on account of such construction, and for no other purpose.

Approved June 15, 1899.

[No. 448.]

AN ACT to amend section eight of title eight of the charter of the city of Lansing, being act number four hundred five of the local acts of eighteen hundred ninety-three, approved May twenty-fifth, eighteen hundred ninety-three, entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts or parts of acts in conflict herewith."

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section eight of title eight of the charter of the city of Lansing, being Act number four hundred five of the local acts of eighteen hundred ninety-three, approved May twenty-fifth, eighteen hundred ninety-three; entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts or parts of acts in conflict herewith," be amended to read as follows:

TITLE VIII.

What to consti-
tute cemetery
fund.

When board to
report to
council.

May create
fund for
repairs.

SEC. 8. All moneys raised from any public cemetery authorized by this act, and all moneys received from the sale of lots, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the cemetery fund. Said fund shall not be devoted or applied to any other purpose except the purposes of such cemetery. The board of trustees shall report to the council annually on the last Monday in April, and oftener when the council shall so require, the amount of all moneys received into and owing the cemetery fund, and from what source and from whom, and the date, amount, items and purposes of all expenditures and liabilities incurred, and to whom paid and by whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board. The board of cemetery trustees may create a fund for perpetual repairs of particular lots in the following manner: Any person or persons may pay to the board of cemetery trustees a sum of money, not less than twenty-five dollars nor more than one thousand dollars, for the purpose of keeping in order any lot or

parcel of land in such cemetery, and thereafter the interest obtained on such sum from time to time, as occasion may require, shall be expended on such lot or parcel of land for the purpose of keeping in repair, by or under the direction of the board of cemetery trustees. The trustees shall pay such sums paid to them to the treasurer of the city of Lansing, who shall immediately deposit said sums of money in such savings bank or banks or trust companies as said trustees shall direct, which money shall be kept in special deposit on interest, apart from all other moneys belonging to said cemetery fund. No part of such deposit, except the interest, which shall accrue on such moneys, shall be drawn from such savings banks or trust companies, except for permanent investment in regular bonds of the United States, the State of Michigan, the county of Ingham or the city of Lansing, and such bond shall be registered in the name of said treasurer and of the board of cemetery trustees. or for the purpose of transferring such moneys from one savings bank or trust company to another. All moneys drawn from any savings bank or trust company from said perpetual repair fund shall be drawn by check, signed by the treasurer and countersigned by a majority of the trustees, and not otherwise. To each person making any such payment or deposit for the purpose of keeping any lot in repair in any public cemetery authorized by this act, the treasurer shall give a certificate, signed by himself and a majority of the trustees, and to which the city seal shall be attached, which certificate shall state the amount of the deposit, the name of the person making the deposit, the description of the lot for which the deposit was made, and the covenant on the part of the city that the interest of said deposit thereafter from time to time, as occasion may require, shall be expended on said lot by said trustees for the purpose of keeping said lot in repair, and the trustees of said cemetery shall keep a record of such certificates issued. But in no event shall the city of Lansing ever be liable to pay the principal paid into said perpetual repair fund.

Treasurer to
deposit sums in
bank.

Moneys, how
drawn.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 449.]

AN ACT to Provide a Board of Public Works for the City of Kalamazoo.*The People of the State of Michigan enact:***Board of public works, who to appoint.****Term of office.****Duties.****May elect president.****Council to provide office, etc.**

SECTION 1. That authority is hereby given the city of Kalamazoo to establish a board of public works for said city. Said board shall consist of three members, who shall be electors and freeholders in said city, and said board shall be non-partisan as nearly as may be. The members of said board shall be appointed by the mayor and confirmed by the city council, and the members of the first board shall be appointed within thirty days after this act goes into effect. One of said members shall hold his office until the first Monday in May next following his appointment, one until the first Monday in May in the second year after his appointment, and the third member shall hold his office until the first Monday in May in the third year after his appointment, and until others are appointed and qualify in their stead. After this act goes into effect and between the tenth and thirtieth days of April in each year, the mayor shall appoint, and the city council confirm one member, qualified as aforesaid, to serve for one term of three years from the first Monday in May next thereafter, and until his successor is appointed and qualifies. Such board of public works shall possess all the powers, perform all the duties and be subject to all the provisions of this act.

SEC. 2. It shall be the duty of said board of public works, at its first meeting, or as soon thereafter as practicable, to appoint one of its members president, who shall hold his office until the first Monday in May next thereafter, and annually thereafter, at the first regular meeting thereof held after the annual appointment to membership has been made, and the appointee has qualified, or as soon thereafter as practicable, to elect one of its members president, who shall hold said office until the first Monday in May next following. The president shall perform such duties as are usually required of presiding officers, and he shall be entitled to vote upon all questions coming before the board for consideration. As soon as said board shall have been appointed, the city council shall provide it with suitable office room for its meetings and business uses, and supply record books, stationery and other things necessary for the transaction of the business properly coming before said board, and shall also provide for the payment, in like manner as other accounts and charges against the city are provided for, of all lawful and necessary expenses, claims and obligations incurred by said board on behalf of the city, all claims and obligations against the city contracted by said board, shall first be presented to said board for examination and approval, and when approved by it in writing, they shall be presented to the

city council, and paid as other claims against the city are paid. No claim or obligation contracted by said board in behalf of the city shall be paid until the same has been approved in writing by said board. Claims, how approved.

SEC. 3. Said board shall, after any public work or improvement has been first duly ordered by the city council, have supervision and charge thereof, and of its construction and maintenance. Said board shall also have supervision and charge of the construction and repair of all sidewalks, crosswalks, culverts, bridges, fountains and reservoirs; the construction, repair, extension and maintenance of all main and lateral sewers and drains, the deepening, cleaning, repairing and maintaining of all ditches, streams and gutters; the construction, repair, maintenance and extension of all water-pipe lines and the laying of all water-pipe, the care, management, control and supervision of the water-works and pumping station; the care, management, control and supervision of the fire department; the care, management, control and supervision of the city lighting plant and the property of the city used and employed in connection with city lighting, and all repairs, extensions, alterations and improvements upon such property; the cleaning, repairing, paving, grading, planking, graveling or covering with other material, all streets, lanes and alleys; the laying out, improvement and charge of all public parks and public grounds, including cemeteries; the erection, improvement, alteration and charge of all public buildings of every kind and description belonging to the city, and shall, in addition to the above, exercise such other powers and perform such other duties, not inconsistent with the provisions of this act, in the superintendence, construction, care and maintenance of public works and improvements as the city council may from time to time direct. Board to have supervision of public works, etc.

SEC. 4. Whenever the city council shall have duly determined to make any public improvement, it shall so declare by resolution, stating the nature, character and extent of such improvement, and thereupon it shall be the duty of said board of public works, with all convenient speed, to estimate the quantity of material to be used therefor, and give in detail the probable cost and expense of such work and of the material to be used therein, making a record thereof in their office; and cause to be prepared, so far as necessary, plans and specifications of such work or improvement and report the same to the city council. When such plans and specifications shall have been adopted by the city council, the said board of public works shall, except in the cases of deepening and cleaning of streams and ditches, the construction and repair of sidewalks and crosswalks, the repair of streets and alleys, the laying out and improvement of public parks, grounds and cemeteries, and other work wherein the city council may direct the performance of any specific act or acts, in pursuance of any ordinance of the city, advertise for proposals for furnishing the material and Public improvement declared by resolution of council. Board to make estimate of expense. Cases excepted.

When board
may proceed
without con-
tract.

performing the labor for such work, and may require all bidders to furnish security for the performance of proposals tendered to said board, if the bid is accepted, and also security for the performance of any contract awarded; all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter, reported by said board, together with its recommendations in relation thereto, to the city council. In case the board of public works, or a majority thereof, shall be of the opinion that the lowest bid made is higher than it should be, and so report to the city council, the city council may, if in its judgment it is for the best interests of the public, authorize the board of public works to proceed with the work under its own direction and supervision without any contract. In all advertisement for proposals for the furnishing of material and for the performance of work, the board of public works shall reserve the right to reject any or all bids.

Who to approve
contracts.

Board to
reserve certain
rights.

Idem.

SEC. 5. All contracts made by said board of public works shall be in the name of the city, and shall be first approved as to form by the city attorney, and be executed by the president of said board, and when made, said board shall, in behalf of the city, have direction of the performance thereof. Said board shall reserve the right in all contracts to determine all questions as to the proper performance of such contracts, and as to the completion of the work specified therein, and in case of the improper, dilatory or imperfect performance thereof, to suspend work at any time, to order the reconstruction of the same, or so much thereof as may be necessary, if improperly done, to relet the work covered by such contract or any unfinished portion thereof, or, by its own employes to take possession and complete the same at the expense of the contractor. It shall also have the right, by proper provisions in all contracts, to retain a sufficient amount from the contract price to pay and discharge all debts incurred by or on behalf of the contractor or for labor performed upon any public work, and for material entering therein, and upon the failure of the contractor to pay the same, to make payment thereof to the parties entitled thereto, and deduct the amount so paid from the moneys retained.

May appoint
city engineer.

Duties of.

Further powers
as to ap-
point-
ments.

SEC. 6. Said board shall have the power to appoint a city engineer who shall hold office during the pleasure of the board. Such engineer shall make all surveys required for the laying out, construction, alteration, repair and improvement of streets, bridges, sewers, water mains, cemeteries, parks, public grounds and buildings; prepare all necessary plans and specifications therefor and perform the civil engineering work of the city of every description required by the city council or the board of public works, or any other lawful authority of the city. Said board shall also have power to appoint, subject to the approval of the city council, an engineer and assistant engineer of the water-works, chief and an assistant chief of the fire department and a superintendent of the electric lighting plant of the

city, who shall respectively hold office during the pleasure of said board, and perform all the duties naturally required of them in the positions they respectively hold, together with such other duties pertaining thereto as said board may from time to time prescribe. Said board may, if they deem it necessary, also appoint a suitable person as street commissioner, who shall have, under the direction of said board, personal supervision of the streets, lanes, alleys and bridges of the city and the public works thereon. Said street commissioner shall hold office during the pleasure of said board. Said board, if they deem it necessary may also appoint a suitable person as park-keeper, who shall have, under the direction of said board, supervision of the public parks of said city, and who shall hold office during the pleasure of said board. And may also, if they deem it necessary, appoint another suitable person as sidewalk inspector, who shall hold office during the pleasure of the board, and whose duties shall be the inspection of side and crosswalks and the performance of such other duties as said board may from time to time prescribe. Said board shall also have power to appoint such other subordinates as may be necessary to enable it to carry out and perform the duties devolving upon it by the provisions of this act. The several appointees herein provided for shall be paid such compensation by the city as said board may recommend, and all claims for such compensation, when certified by said board to the city council, shall be paid as other claims against the city are paid.

Compensation
of appointees.

SEC. 7. Said board shall classify the various work and branches of public business under its control, and keep an accurate account of each and of the amounts of money expended for construction, repairs, superintendence, labor and salaries of employes, and also detailed accounts of all other matters under its charge and control, and upon the first Monday in April in each year, and oftener, if required by the city council, shall submit to the city council a statement showing in detail the progress and condition of all public works under the charge of said board, the character and amounts of all contracts made, the moneys earned thereon, and all other information necessary to a full understanding by the city council of the business conducted by said board. Said board shall from time to time, make estimates of the amounts earned and payable upon any contract made by it for work done and materials furnished, and report the same to the city council, and thereupon it shall be the duty of the council, without unreasonable delay, to order payment from the proper funds of the amount so reported payable. It shall also be the duty of said board in its annual report to be made on the first Monday in April in each year, or sooner if the city council so direct, to recommend to said council any public work or improvement that it shall deem desirable to be made during the next fiscal year, together with the estimate of the cost of the work and improvement so recommended.

Board to classify the work.

To submit statement to council, when.
Statement, what to contain.

Board to make estimates of amounts earned.

Annual report to contain recommendation of public improvements.

City attorney
to be legal
adviser.
City clerk to
keep record of
proceedings.

Power of board
as to rules and
regulations.
Further
powers.

Members to
take oath.

To give bond,
sum of.

Neglect to take
oath or give
bond, how
deemed.

Members not to
hold elective
office.

Not to be inter-
ested in any
contract.

When member
may be re-
moved.

Proceedings for
removal.

SEC. 8. The city attorney shall act as the legal adviser of said board. The city clerk shall be the clerk thereof, and shall keep a full record of its proceedings, showing the vote by yeas and nays of each member upon every motion brought before or determined by said board, relative to the adoption of plans, letting of contracts, approval of bonds, or the appointment of officers or employes, which record shall at all times be open to public inspection. A majority of the board shall constitute a quorum for the transaction of business. The board shall have power to make all such rules and regulations as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties of and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to the said board the public interest may seem to require. In case of the removal by said board of any officer or employe, the appointment of whom in the first instance requires the approval of the city council, the appointment of his successor by said board shall be subject to the approval of the city council.

SEC. 9. All members of said board shall, before entering upon the duties of their office, take and file with the city clerk, an oath for the faithful performance of their duties, and when required by the city council, before entering upon the duties of their office, shall execute a bond to the city in the sum of five thousand dollars, conditioned for the faithful performance of the duties of said office, with sureties to be approved by the council, and any member of said board who shall fail or neglect to take such oath of office or give said bond whenever the same shall be required, within ten days after his appointment as a member of said board, or after such requirement, shall be deemed to have resigned his office, and the vacancy thereby created may be filled by appointment by the mayor as in other cases.

SEC. 10. No member of said board shall hold an elective office under the charter of said city during continuance as a member of said board, and his election to and acceptance of any office in said city shall be deemed a resignation of membership thereon, and shall vacate his office on said board. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city, nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board guilty of official misconduct, dereliction of duty, inefficiency, incompetency, or any unlawful act, may be removed from said board by the mayor and city council. In proceedings for removal of any member of said board, such member shall be served, at least five days before the day appointed for the hearing, with a written copy of the charges against him, and notice of the time and place of hearing, and at the hearing thereon, shall be given an opportunity to be heard in his defense, both in person and by counsel.

No member shall be removed unless by a vote of a two-thirds majority of all the city council, including the mayor, who shall be entitled to vote. Service of such copy of charges and notice of hearing, may be made personally, or by leaving the same at the last known place of residence of the member proceeded against. Whenever a member shall be removed or a vacancy in said board shall occur by reason of the removal of any member thereof from said city, failure to execute the proper bond, resignation, death or otherwise, the same shall be filled for the unexpired term by appointment by the mayor. Vacancy, how filled.

SEC. 11. The members of the board of public works shall devote their time to the performance of the duties and labors by this act imposed, and shall each receive a salary at the rate of one thousand five hundred dollars per annum, to be paid monthly, for such period as the members of said board are respectively actually engaged in the performance of their duties. Said salary is to be allowed and paid the same as the salaries of other officers of the city, upon sworn statements filed with the city clerk stating the time actually employed by each. Compensation. How paid.

SEC. 12. In all cases wherein the provisions of this act are in conflict with the charter provisions of the city of Kalamazoo heretofore existing, the provisions of this act shall govern and control: *Provided*, That the officers appointed by the city council, and now serving, shall, notwithstanding the provisions of this act, be allowed to serve the full term of office for which they were appointed by the city council. Such officers, however, to be under the control of said board of public works in other respects as in this act provided, the same as if appointed by said board. Provisions of act to have precedence. Provis.

SEC. 13. This act shall not take effect until the question of establishing a board of public works shall have been at either a general city election or at a special election called for that purpose, submitted to the vote of the property tax payers of said city, and a majority of the votes cast upon such question at such election shall be in favor of establishing such a board. When act to take effect.

SEC. 14. Upon filing with the city clerk a request for the submission to vote of the question of establishing a board of public works, signed by not less than one hundred taxpayers in said city, it shall be the duty of said council to grant such request and proceed to the submission of such question to vote by the electors of said city, either at the general city election to be held in nineteen hundred, or at a special election as the city council may determine. When council to submit question to electors.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 450.]

AN ACT to authorize the sale of State Tax Lands located within the limits of the City of North Muskegon and other lands located in said city and bid off to the State for unpaid taxes and now held by the State as State tax bids at less than the total of taxes, interest and other charges against said lands.

The People of the State of Michigan enact:

Time in which
payment of
accrued taxes
may be made.

SECTION 1. Any person owning any lands in the city of North Muskegon in the county of Muskegon upon which the taxes are unpaid for three or more years may at any time within six months after this act shall take effect pay said taxes by applying to the Auditor General therefor and paying the total amount of State and county taxes together with the interest and charges thereon and fifty per centum of the city and other taxes charged against said lands at the time said application shall be made; and thereupon the Auditor General shall execute proper conveyance or receipt therefor whereby said lands shall be wholly relieved from all liens for such taxes.

When lands
subject to sale

SEC. 2. After the expiration of six months from the time this act shall take effect and until the annual tax sale in the year nineteen hundred one all lands in said city of North Muskegon held by the State as State tax lands or as State bids shall be subject to sale at the office of the Auditor General, to any person applying therefor, for the total amount of State and county taxes together with the interest and charges thereon and fifty per centum of the city and other taxes charged against said lands at the time such application shall be made; and upon such sale the Auditor General shall execute proper conveyance or assignment whereby all interest in said lands held by the State at the time of said application shall be transferred to the purchaser subject to the provision of act number two hundred twenty-nine of the public acts of eighteen hundred ninety-seven and acts amendatory thereof.

State lands,
how bid off.

SEC. 3. At the annual tax sale of nineteen hundred one all State tax lands in said city of North Muskegon shall be offered for sale pursuant to law to the highest bidder on the city and other taxes, exclusive of State and county taxes; and the purchaser thereof shall be required to pay in full all State and county taxes charged against said lands and the interest and other charges thereon, in addition to the amount of his bid. And the amount of the purchaser's bid shall belong to the city of North Muskegon and all city taxes charged against said lands in excess of said bid shall be canceled by said sale.

Losses, how
borne.

SEC. 4. All losses which shall be sustained under this act shall be borne by the city of North Muskegon and shall be apportioned between the city and public schools of said city pro rata.

SEC. 5. The common council of the city of North Muskegon shall have power and it is hereby authorized to create a sinking fund out of the moneys which shall be realized from its delinquent taxes under the provisions of this act and to require the city treasurer to pay said moneys to a trustee of such funds, to be used solely for the purpose of paying the bonded indebtedness of said city and of the public schools thereof upon such terms and conditions and at such times as the common council shall determine. Council authorized to create a sinking fund.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 451.]

AN ACT to amend act number four hundred forty-two of the Local Acts of eighteen hundred ninety-seven, entitled "An act to Revise the Charter of West Bay City and to repeal all acts and parts of Acts inconsistent therewith," approved May twenty-sixth, eighteen hundred ninety-seven, by amending section sixteen, of Chapter thirty-two, and to repeal all acts and parts of acts inconsistent therewith.

The People of the State of Michigan enact:

SECTION 1. That section sixteen, of chapter thirty-two of the local acts of eighteen hundred ninety-seven, entitled "An act to revise the charter of West Bay City, and to repeal all acts and parts of acts inconsistent therewith," approved May twenty sixth, eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 16. No collection fee shall be charged or collected by the treasurer on any taxes on said county tax roll; on all taxes paid prior to the thirty-first day of January after said roll is placed in the hands of the treasurer, the face of the tax, only, without interest shall be collected; on all taxes paid after said thirty-first day of January interest shall be collected at the same rate and in the same manner as is herein provided in respect to taxes collected upon the city tax roll. No collection fee to be charged.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 452.]

AN ACT to provide for Public Notice of proposed Charter changes and the Method by which the City of Detroit may alter or Amend its Charter.

The People of the State of Michigan enact:

Authority to
alter or repeal.

How altered or
repealed.

Propositions to
be published by
title.

Form of ballot.

Who to certify
result of vote.

When.

Certain amend-
ments not to be
made.

SECTION 1. That the charter of the city of Detroit shall be amended, altered or repealed in the manner herein provided.

SEC. 2. Upon the recommendation of the mayor of the city of Detroit, and by resolution approved by a three-fourths vote of the common council elect of said city, or by petition of five thousand qualified electors said common council shall prepare in proper form and by title and submit to the electors of said city propositions to effect any amendment or amendments to the charter of said city. Such propositions shall be presented only in the month of November of any year.

SEC. 3. Any one and all such propositions shall be published by title and in full at least once a week for eight successive weeks during the months of September and October following the month of petition, in at least four newspapers published in the city of Detroit, and at least six half-sheet poster notices displayed conspicuously in each precinct of the city, and all such notices shall distinctly set forth the fact in addition that contemplated charter amendments are to be voted on at the approaching November election.

SEC. 4. The common council shall cause suitable separate ballots to be prepared embodying clearly the title as published of each and every proposed amendment or amendments, and at the bottom of each and every title shall appear the words and symbols as follows:

YES. ☐

NO. ☐

Such ballots shall be deposited in separate ballot boxes, and when the inspectors have finished the count and redeposited the ballots in the box, said box shall be carefully locked and sealed and delivered to the proper city officers, said box not to be opened again until used for succeeding elections, or upon the order of a court of competent jurisdiction.

SEC. 5. The result of the vote on all charter changes as certified by the board of inspectors and board of canvassers, the latter to certify the same within ten days following the election, shall be entered upon a special journal by the city clerk, and if a majority of the electors voting thereon ratify such proposed amendment or amendments, the same shall be considered a part, and become a part, of the existing charter of the city of Detroit voting thereon and shall take effect thirty days from the date of ratification.

SEC. 6. No amendment or amendments shall be made to the city charter affecting the rights of the county or township

in which such city is situated, nor permit an increase in the number of justices of the peace or an increase of the representation of the city of Detroit on the board of supervisors.

This act is ordered to take immediate effect.

Approved June 15, 1899.

[No. 453.]

AN ACT to authorize the village of Utica, in the county of Macomb and State of Michigan, to raise thirty thousand dollars by bonding said village for the purpose of making general public improvements, and for the purpose of authorizing said village to pay said bonds by taxing the taxable property of said village.

The People of the State of Michigan enact:

SECTION 1. The village of Utica, in the county of Macomb and State of Michigan, is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue its bonds therefor to an amount not exceeding thirty thousand dollars, the same to be expended in making public improvements in said village, and to pay said bonds by levying a tax upon the taxable property of said village: *Provided, however,* That said village shall not issue said bonds nor borrow said money unless a majority of the electors who voted by ballot at such election in said village, shall vote at a regular or at a special election to be called in compliance with this act, in favor of the same, in the manner as specified in this act.

Bond issue.

Amount limited.

Proviso.

SEC. 2. The question of raising said money by loan, and the issuing of said bonds shall be submitted by the village council of said village to the electors thereof, at the election above specified, and the vote shall be taken as near as may be in accordance with chapter three of act number three of the public acts of eighteen hundred ninety-five, being an act entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties." The village council shall have power to order a special election, or submit such question at any regular election hereafter to be held, when it may by said village council be deemed necessary to carry out the provisions of this act, and the proceedings had at such an election shall be the same as at a regular election held within said village, except that those electors voting for said loan shall have written or printed, or partly written and printed on their ballots the words "For the Loan, Yes," and those voting against the loan shall have written or printed or partly written and printed on their ballots the words "For the Loan, No."

Question submitted to electors.

Council may order special election.

Form of ballot.

SEC. 3. If such loan shall be authorized by a majority of said electors who are taxpayers as shown by the last assess-

Bonds, when issued.

Rate of
interest.How
negotiated.

ment roll of the village, said bonds shall be issued in such sums not exceeding the amount hereinbefore stated and payable at such times not exceeding thirty years, and with such rate of interest, not exceeding five per cent per annum, as the village council may direct, and such bonds shall be signed by the president of said village and countersigned by the clerk thereof, and shall be negotiated by and under the direction of the said village council for a sum not less than their par value, and the money arising therefrom shall, under the direction of the said village council, be applied for the purpose for which such money was raised, and said village council shall have the power and it shall be their duty to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, when the same shall become due.

This act is ordered to take immediate effect.

Approved June 16, 1899.

[No. 454.]

AN ACT to provide for the Relief of Oakwood Cemetery Association of Fenton, Genesee County, Michigan, and to Legalize Certain Business transacted by it.

The People of the State of Michigan enact:

Certain acts to
become valid.

SECTION 1. That all acts performed by Oakwood Cemetery Association, of Fenton, Genesee county, Michigan, between the twenty-third day of August, A. D. eighteen hundred sixty-nine, and the thirty-first day of May, A. D. eighteen hundred ninety-nine, which would have been valid had the said Oakwood Cemetery Association, of Fenton, Genesee county, Michigan, filed its articles of incorporation and caused the same to be recorded and thereby become duly incorporated under the laws of this State on the said twenty-third day of August, eighteen hundred sixty-nine, shall be for all purposes as good and valid and shall have the same force and effect as if the same had been performed by said Oakwood Cemetery Association of Fenton, Genesee county, Michigan, after it had duly executed and filed its articles of incorporation and caused the same to be recorded in accordance with the laws of this State. And all purchases of lands by said Oakwood Cemetery Association of Fenton, Genesee county, Michigan, between the above named dates, and all deeds of lands or burial lots executed by it between said dates are hereby legalized and declared to be as binding and valid as though said lands were purchased by said Oakwood Cemetery Association of Fenton, Genesee county, Michigan, and said deeds of land or burial

lots had been executed by it after articles of incorporation of said Oakwood Cemetery Association of Fenton, Genesee county, Michigan, had been duly executed, filed and recorded in accordance with the laws of this State.

This act is ordered to take immediate effect.

Approved June 21, 1899.

[No. 455.]

AN ACT to amend section eighteen, thirty-eight subdivision of section twenty-one, and sections ninety-seven, one hundred one, and one hundred five of act number four hundred forty-eight of the Local Acts of eighteen hundred ninety-seven, entitled "An act to revise and amend Act number three hundred and forty-six of the Local Acts of eighteen hundred and eighty-one, entitled 'An act to revise an Act to Incorporate the City of Bay City,' approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof."

The People of the State of Michigan enact:

SECTION 1. That section eighteen, thirty-eighth subdivision of section twenty-one, and sections ninety-seven, one hundred one, and one hundred five of act number four hundred forty-eight of the local acts of eighteen hundred ninety-seven, entitled "An act to revise and amend act number three hundred and forty-six of the local acts of eighteen hundred and eighty-one, entitled 'An act to revise an act to incorporate the city of Bay City,' approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof," be and the same is hereby amended so as to read as follows: Sections amended.

SEC. 18. Every person appointed by the council shall take and subscribe the constitutional oath of office, and file the same with the recorder within twenty days after such appointment. In case any person appointed to any office shall neglect or refuse for the term of twenty days, to qualify as aforesaid, the office shall, thereby become vacant, without any action of the council. Every person so appointed shall execute an official bond or undertaking in the manner and within the time which may be prescribed by the council. Appointee to take oath.
To execute bond.

SEC. 21. Thirty-eighth subdivision. To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, repair, purify, or abate any cellar, vault, slip, barn, private drain, sink, privy, lot, place or premises Regulating the construction of cellars, slips, etc.

within the city which shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or in such condition as to produce unwholesome or offensive exhalation, or to cause the same to be done by some proper officer of the city, and to assess the expense thereof on the lot or premises specially benefited thereby, in the manner herein provided for assessments for local improvements, and when the assessment rolls shall have been confirmed, the taxes so levied shall be a lien on the lands so assessed, and shall be collected in the same manner as herein provided for collecting taxes for such local improvements.

Clerk, who to be.
Compensation.

SEC. 97. The recorder of Bay City shall be clerk of said board; and no member thereof shall receive any compensation for his services. No attorney at law shall be eligible to appointment as a member of said board; and the members thereof shall be exempt from military and jury service while so serving.

Members exempt from military and jury service.

Board of electric light commissioners, who to appoint.

SEC. 101. The common council of Bay City may, by a majority vote of all the aldermen elected, appoint five persons, electors of the said city, who shall constitute the board of electric light commissioners, said commissioners after their appointment shall meet and select one of their number chairman, who shall be known as the chairman of the board of electric light commissioners of Bay City. They shall appoint a secretary, and cause to be kept a record of their proceedings; said commissioners shall receive no compensation for their services.

Term of office.

SEC. 105. The persons first appointed by the council as electric light commissioners shall hold office as follows: one until June one, nineteen hundred; one until June one, nineteen hundred one; one until June one, nineteen hundred two; one until June one, nineteen [hundred] three; one until June one nineteen hundred four; and until their successors are appointed and have qualified; and all persons subsequently appointed, except to fill vacancies, shall hold their offices for a term of five years and until their successors are appointed and qualified. The council may in the month of May, beginning in the year of nineteen hundred and annually thereafter, appoint a member of such commission who shall hold said office for a term of five years from and after the first day of June and until his successor is appointed and qualified. In case of a vacancy the common council may, by a majority vote of the aldermen elected, appoint some duly qualified person to fill the unexpired portion of the term. Said commissioners shall be subject to removal by a two-thirds vote of all the aldermen elected.

Vacancy, how filled.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 456.]

AN ACT to provide for the Appointment of one Clerk by the Township Board of the Township of Ecorse, in the County of Wayne, to assist in extending the Tax Rolls of said Township.

The People of the State of Michigan enact:

SECTION 1. That the township board of the township of Ecorse, in the county of Wayne, shall at the first meeting thereof in the month of May of each year appoint some suitable person as a clerk, to assist the supervisor of said township in extending the tax roll thereof. The clerk so employed shall receive as compensation for such service, the sum of two dollars per day, for each and every day so employed. Such compensation to be paid by the township treasurer on presentation of the certificate of the supervisor showing that the services therein charged have been rendered by the person named therein.

Board may
appoint clerk.

Compensation.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 457.]

AN ACT to legalize the Assessment and Tax rolls of the City of Saginaw and the Return of the Delinquent taxes thereon to the County Treasurer for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight.

The People of the State of Michigan enact:

SECTION 1. That the assessment and tax rolls of the city of Saginaw, upon which the taxes of said city were extended and levied, for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, and the return of the delinquent taxes thereon to the county treasurer for each of said years be and the same are hereby legalized and declared legal and valid.

Certain assess-
ment rolls to
become valid.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 458.]

AN ACT to organize a school district in the township of Watertown in the county of Tuscola, and State of Michigan, to be known and designated as school district number five of Watertown, out of certain unorganized territory in the township of Watertown and out of certain territory to be detached from school districts numbers two and three in the township of Watertown, and from territory to be detached from fractional school district number eight in the township of Watertown, and the township of Marathon in the county of Lapeer, State of Michigan.

The People of the State of Michigan enact:

Description of
detached part.

SECTION 1. That the following described territory, to-wit: Section twenty-nine and the west half of section twenty-eight of township ten north of range nine east, in the county of Tuscola and State of Michigan, be detached from school district number two in said township of Watertown; the southeast quarter of section twenty-eight, the northwest quarter of section thirty-four and the south half of the southeast quarter of section thirty-four of said township be detached from school district number three of said township, and sections thirty-two, thirty-three and the north half of the southwest quarter of section thirty-four of said township be detached from fractional school district number eight of said township of Watertown and the township of Marathon, in the county of Tuscola and the State of Michigan, and that the whole of the territory so detached as aforesaid, together with the east half of section thirty-one and the southeast quarter of section thirty of the said township of Watertown, be and the same is hereby formed, organized and incorporated into a school district, with all the rights, powers, privileges and liabilities of school districts formed and organized under the general laws of this State, to be known and designated as school district number five of the township of Watertown in the county of Tuscola and State of Michigan.

Meeting, when
and how called.

SEC. 2. The first meeting of said district number five of Watertown may be called by any three taxable inhabitants thereof, notice in writing of the time and place of holding said meeting having been previously posted in three public places in the territory comprising said district, at least five days before the time designated therein for said meeting, signed by the inhabitants calling the same, at which meeting there shall be elected a moderator, director and assessor of said district, who shall respectively hold their offices until the annual meeting of said district to be held the first Monday of September, A. D. eighteen hundred ninety-nine, when their successors shall be elected.

Officers.

SEC. 3. Except as herein otherwise provided, said school district and its officers shall be subject to the provisions of chapter one hundred ninety-six of Howell's Annotated Statutes relating to public instruction and public schools, and acts amendatory thereof. District subject to certain laws.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 459.]

AN ACT to change the numbering of Sections 18, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 36, 37 and 38 of chapter 5 of Act number four hundred fifty-five of the Local Acts of eighteen hundred ninety-seven being an Act entitled "An act to amend Sections 1 and 2 of Chapter 2; section 6 and 7 of Chapter 4; sections 7, 10, 11, 12, 15, 16, 18, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 36, 37 and 38 of Chapter 5; sections 2, 6, 9, 13, 14, 17, 18 of Chapter 6; sections 1 and 12 of Chapter 8; sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Chapter 9; section 2 of Chapter 11; section 1 of Chapter 12; sections 1 and 3 of Chapter 17; sections 1, 2, 3, 4 and 5 of Chapter 19; sections 1 and 2 of Chapter 22; sections 10 and 22 of Chapter 23; sections 1, 2, 3, 4 and 5 of Chapter 25; of an Act entitled 'An act to Incorporate the City of Sault Ste. Marie, and to repeal an Act entitled "An act to Reincorporate the Village of Sault Ste. Marie, approved May twenty-nine, eighteen seventy-nine, as amended,"' being Act number five hundred thirty-three of the laws of eighteen hundred eighty-seven, approved June twenty-one, eighteen hundred eighty-seven, as amended by the several acts amendatory thereof; and to add to Chapter 23 of said act one new section to stand as section 23, and to add to Chapter 25 of said act, fifteen new sections, to stand as sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20.

The People of the State of Michigan enact:

SECTION 1. That sections 18, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 36, 37 and 38 of chapter 5 of act number four hundred fifty-five of the local acts of eighteen hundred ninety-seven, being an act, entitled "An act to amend sections 1 and 2 of chapter 2; sections 6 and 7 of chapter 4; sections 7, 10, 11, 12, 15, 16, 18, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 36, 37 and 38 of chapter 5; sections 2, 6, 9, 13, 14, 17, 18 of chapter 6; sections 1 and 12 of chapter 8; sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of chapter 9; sections 2 of chapter 11; section 1 of chapter 12; sections 1 and 3 of chapter 17; sections 1, 2, 3, 4 and 5 of chapter 19; sections 1 and 2 of chapter 22; sections 10 and Sections changed.

22 of chapter 23; sections 1, 2, 3, 4 and 5 of chapter 25; of an act entitled 'An act to incorporate the city of Sault Ste. Marie, and to repeal an act entitled "An Act to Reincorporate the Village of Sault Ste. Marie, approved May twenty-nine, eighteen hundred seventy-nine, as amended,"' being act number five hundred thirty-three of the laws of eighteen hundred eighty-seven, approved June twenty-one, eighteen hundred eighty-seven, as amended by the several acts amendatory thereof; and to add to chapter 23 of said act one new section, to stand as section 23, and to add to chapter 25 of said act, fifteen new sections to stand as sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20; be renumbered and hereafter known as follows: That section 18 of said chapter 5 be known and numbered as section 22 of said chapter 5; that section 21 of said chapter 5 be known and numbered as section 25 of said chapter; that section 22 of said chapter 5 be known and numbered as section 26 of said chapter 5; that section 23 of said chapter 5 be known and numbered as section 27 of said chapter 5; that section 24 of said chapter 5 be known and numbered as section 28 of said chapter 5; that section 25 of said chapter 5 be known and numbered as section 29 of said chapter 5; that section 26 of said chapter 5 be known and numbered as section 30 of said chapter 5; that section 27 of said chapter 5 be known and numbered as section 31 of said chapter 5; that section 30 of said chapter 5 be known and numbered as section 34 of said chapter 5; that section 31 of said chapter 5 be known and numbered as section 35 of said chapter 5; that section 32 of said chapter 5 be known and numbered as section 36 of said chapter 5; that section 36 of said chapter 5 be known and numbered as section 40 of said chapter 5; that section 37 of said chapter 5 be known and numbered as section 41 of said chapter 5; that section 38 of said chapter 5 be known and numbered as section 42 of said chapter 5.

This act is ordered to take immediate effect. ,

Approved June 23, 1899.

[No. 460.]

AN ACT to Amend section three of Chapter three; section two of Chapter six; sub-section seven of section one of chapter nine; section eight of chapter ten; section six of chapter twenty-four, of an Act, entitled "An act to Incorporate the City of Sault Ste. Marie, and to Repeal an Act, entitled 'An act to Reincorporate the Village of Sault Ste. Marie,' approved May twenty-ninth, eighteen hundred and seventy-nine, as amended," being act number five hundred and thirty-three of the laws of eighteen hundred and eighty-seven, approved June twenty-first, eighteen hundred and eighty-seven, as amended by the several acts amendatory thereof.

The People of the State of Michigan enact:

SECTION 1. That section three of chapter three; section two of chapter six; sub-section seven of section one, of chapter nine; section eight of chapter ten; and section six of chapter twenty-four of an act, entitled "An act to incorporate the city of Sault Ste. Marie, and to repeal an act entitled 'An act to reincorporate the village of Sault Ste. Marie, approved May twenty-ninth, eighteen hundred and seventy-nine, as amended,' " being act number five hundred and thirty-three of the laws of eighteen hundred and eighty-seven, approved June twenty-first, eighteen hundred and eighty-seven, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Sections
amended.

CHAPTER III.

SEC. 3. The following officers shall be appointed by the council, viz.: A city attorney, city surveyor, engineer of fire department, one health officer, one or more fire wardens, one pound master, one commissioner of cemeteries, such a police force as may be necessary, and such other officers whose election or appointment is not herein provided for, as the council may deem necessary for the execution of the powers granted by this act. The powers and duties of such officers shall be provided by ordinance.

Powers and
duties of cer-
tain officers to
be provided by
ordinance.

CHAPTER VI.

SEC. 2. The mayor shall be president of the common council and preside at the meetings thereof, but shall have no vote therein, except in case of tie, when he shall have the casting vote: *Provided*, No ordinances or resolution passed by the common council authorizing any public improvement or for or concerning the same, or for the payment of any money by the

Mayor to pre-
side at council
meetings.

Provided.

Ordinance.
when to take
effect.

treasurer or the creation of any indebtedness or liability against the city, shall have any force or effect if the mayor or other officer legally exercising the office of mayor, shall within twenty-four hours after the passage of said ordinance or resolution lodge in the office of the city clerk his reasons in writing why the same should not go into effect unless it shall at the next regular meeting of the common council be passed by a two-thirds vote of all the members of the common council elect, exclusive of the mayor, and if so repassed it shall go into effect according to the terms thereof. No ordinance or resolution of the common council for any of the purposes mentioned in this section shall go into effect until the expiration of twenty-four hours after the passage. It shall be the duty of the city recorder to communicate to the common council at the next meeting thereof any paper that may be lodged with him pursuant to the provisions of this section.

CHAPTER IX.

SECTION 1, SUB-SECTION 7.

To regulate and
license taverns,
public houses,
saloons, etc.

Seventh: To regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating houses; to designate by ordinance, bounds, limits and districts in said city within which the business of vending, selling or having for sale, spirituous, vinous, malt or brewed liquors, or any other intoxicating liquors or mixtures thereof, shall be conducted and carried on, and to prohibit vending, selling and furnishing intoxicating liquors or mixtures thereof, except within the districts and limits in said ordinance appointed and limited for the sale thereof, and may provide for punishment for any violation of such ordinance.

CHAPTER X.

Vote required
to abolish and
establish cer-
tain offices.

Proviso.

SEC. 8. The council may at any time, by a vote of two-thirds of the members elect, abolish the office of village marshal and establish a board of police commissioners, to consist of three electors of said city, who shall serve without compensation, and shall be appointed at the same time as other appointive officers of the city. The full term of an appointed member shall be six years, but said members shall be subject to classification in such manner that one term shall expire every two years: *Provided*, That upon the establishment of said board of police commissioners, there shall be appointed three members of said board, one for two years, one for four years, and one for six years from the first Monday in May of the year in which said board of police commissioners may be established. Appointments thereafter shall be made of one

member every two years except to fill vacancies, and each member shall hold over until his successor is appointed and duly qualified. In said board shall be vested the power of appointing a chief of police and such number of regular and special policemen as they may deem necessary to preserve good order in said city. Said board shall have control of said police under such regulations as the council may prescribe by ordinance, and they shall exercise all the powers of removal or suspension of any police officer granted under the terms of this act to the mayor or council. In case said board is created, the chief of police shall be subject to the direction of the mayor and board of police commissioners and shall exercise all the duties, and be vested with all the powers given to the marshal under the terms of this act, and the powers and duties of policemen shall be the same as are provided herein.

Board to have control of police.

CHAPTER XXIV.

SEC. 6. The board of review shall consist of the mayor, comptroller, recorder, the alderman of said city whose term of office soonest expires, and the city attorney, four of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. Said board shall meet at the council chamber, in said city, on the second Monday in July, except in the years designated for the meeting of the State board of equalization, when said board shall meet on the third Monday in May, at which time the comptroller shall submit to said board the general assessment roll, which said roll shall be completed and filed by said comptroller in the office of the comptroller five days prior to the meeting of said board of review, where during said five days it shall remain open to public inspection. During the first three days of its meeting said board of review shall consider any written objections filed with it in respect to any assessment that shall have been made, and may on their own motion, revise said assessment roll, and may increase or diminish valuations therein; add the name of persons and descriptions of property improperly omitted from said roll, and fix the valuation of such property, and they shall correct all errors, and supply all deficiencies found therein. Said board shall continue its session after its said first three days, during the rest of said week, during which time, upon the request of any person, his agent or attorney, considering himself aggrieved, on sufficient cause being shown, may reduce the assessment roll in such an amount as to such board shall appear just and equal; they may examine on oath, any person touching the matter. After the expiration of the first three days during which the board is required to sit, it shall have no power to make any change in said roll without notice to the party affected thereby, and except as in this section otherwise provided. Said board shall continue

Board of review, of whom to consist.

When to meet.

When to receive and consider written objections.

When board to make no change.

To keep a
record of
proceedings.

its session at least one week, and as much longer as may be necessary. Any member of said board may administer an oath and examine witnesses in relation to the matters requiring investigation before said board. Said board shall keep a record of its proceedings in reducing or increasing the valuation of any property assessed upon such roll.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 461.]

AN ACT to amend Sections one, six and seven of Title two; to amend Title four by adding ten new sections to said Title, which said sections shall be to provide a sinking fund for the payment of certain indebtedness of the city of Grand Rapids, and to provide for the care, custody and disposal of such fund; to amend sections two, three and eight of Title six; to amend sections one, five, six and nine of Title seven, and to add four new sections to said Title; to amend sections one, two, four, six, seven, eight, nine and thirteen of Title nine; to amend section fourteen of Title ten; and to amend Title eleven by repealing sections one to seventeen of said Title, and adding thereto twenty-five new sections which said sections shall be to create a board of park and cemetery commissioners for the city of Grand Rapids, to define their duties and fix their compensation; all of said Titles being of Act number three hundred seventy-four of the Local Acts of the State of Michigan for the year eighteen hundred ninety-seven, entitled "An act to Revise the Charter of the City of Grand Rapids," approved March twenty-fifth, eighteen hundred ninety-seven, and to Provide for the submission of said amended sections to the electors of said city for ratification.

The People of the State of Michigan enact:

Sections
amended.

SECTION 1. That, sections one, six and seven of Title two of act number three hundred and seventy-four, of the local acts of the State of Michigan, for the year eighteen hundred ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," approved March twenty-fifth, eighteen hundred ninety-seven, are hereby amended to read as follows:

Officers of city.

SEC. 1. The officers of said city shall be the mayor, treasurer, comptroller, clerk, marshal, a board of public works to consist of five members, a board of police and fire commissioners to consist of five members, a board of assessors to consist of three members, a board of health to consist of five members, a board of park and cemetery commissioners to consist

of five members, a board of poor commissioners to consist of five members, and two aldermen and one constable in each ward of the city; nine supervisors who shall be elected by the electors of the city at large, voting in their respective wards, and be members of the board of supervisors of Kent county, with all the rights, duties and privileges of members of said board; said supervisors shall be elected at the regular charter election, in the year nineteen hundred, for the term of one year, and annually thereafter; also one city physician, one city attorney and one inspector of buildings, all to be elected or appointed as hereinafter provided. No person shall be eligible to any of said offices unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward unless he shall then be an elector and resident of said ward; and when any officer hereinbefore named shall cease to reside in said city or ward, his office shall thereby become vacant: *Provided*, That it shall not be competent for any city officer to hold two offices, the salary or compensation for which is paid by the city government, or any department thereof.

Who eligible to office.

Proviso.

SEC. 6. The mayor shall, on the first Monday in May, after the passage of this act, or within a reasonable time thereafter, and on the first Monday in May of every succeeding year, or within a reasonable time thereafter, appoint a city physician, whose duties may be prescribed by the common council, who shall hold his office for one year, and until his successor is appointed and qualified. He shall also appoint all members of the different boards provided for in this act, in manner and for the time hereinafter set forth. He may appoint a secretary to the mayor, whose salary shall be paid by the city, as the salaries of city officers are paid, and at the rate of one thousand dollars per annum. He may on the first Monday in May, after the passage of this act, or within a reasonable time thereafter, appoint a building inspector whose term of office shall be one year from the first Monday in May, in the year in which he may be appointed, and until his successor is appointed and qualified. The powers and duties of the building inspector shall be prescribed by the common council. The mayor shall also on the first Monday in May, in the year nineteen hundred, or within a reasonable time thereafter, and on the first Monday in May of every second year thereafter, or within a reasonable time thereafter, appoint a city attorney, whose term of office shall be two years from the first Monday in May in the year in which he may be appointed, and until his successor is appointed and qualified. It shall be a part of the duty of the city attorney to advise the aldermen of the city as to their official duties, and he shall, on request, prepare or cause to be prepared for them, committee reports, resolutions, etc. The successors of such officers so appointed, shall be appointed in like manner, and their duties and salaries shall also be as above set forth. The appointments named in this section shall not require confirmation by the common council.

Mayor to appoint certain officers.

City physician.

Members of boards.

Building inspector.

City attorney.

Duties of.

Aldermen to
elect certain
officers.

Highway
commissioners.

Sections added.

"Board of Sink-
ing Fund Com-
missioners,"
who to consti-
tute.

Duties of.

Bonds of city to
have preference
in making
investments.

Board to have
control of
moneys in
sinking fund.

SEC. 7. On the first Monday in May, after the passage of this act, and on the first Monday in May of each succeeding year, or within a reasonable time thereafter, the Aldermen elect shall elect three highway commissioners whose term of office shall be one year and until their successors are elected and qualified, and whose duties and salaries shall be prescribed by the common council. All their successors shall be elected as above set forth.

SEC. 2. That ten new sections are hereby added to title four, of act number three hundred seventy-four of the local acts of the State of Michigan for the year eighteen hundred and ninety-seven, entitled "An act to amend the charter of the city of Grand Rapids," approved March twenty-five, eighteen hundred ninety-seven, to stand as sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three and forty-four of said title; said sections to read as follows:

SEC. 35. The mayor, clerk, comptroller and treasurer of the city of Grand Rapids, and the chairman of the committee on ways and means of the common council of said city, and their successors in office, by virtue of their offices, shall constitute and be a "Board of Sinking Fund Commissioners," for the city of Grand Rapids.

SEC. 36. The board of sinking fund commissioners shall from time to time, upon the best terms they can make, purchase or pay the outstanding bonded debt of said city, or such part thereof as they may be able to purchase or pay, until the same be fully purchased or paid. Whenever they cannot arrange for the purchasing or paying of the said debt or any part thereof, they shall temporarily and until they can so arrange, invest the moneys belonging to the sinking fund, in such Government, State or Municipal bonds as they may deem safe and advisable; and all unmatured bonds thus purchased, shall be delivered to the city treasurer, and shall become and be the property of the said board of sinking fund commissioners, and the interest thereon as it shall thereafter become due, shall be credited to and shall belong to the sinking fund. The city treasurer shall endorse upon the back of all bonds so purchased by the sinking fund commissioners, the following, viz.: "Registered bonds, not transferable without the written consent of the mayor, comptroller, and city treasurer endorsed hereon."

SEC. 37. In making temporary investment of the moneys of the sinking fund, the board shall give preference to bonds of the city of Grand Rapids, but they may subsequently sell the same, and apply the proceeds to the purchase of other securities or to the payment of other bonds of the city, whenever such action is deemed advisable.

SEC. 38. Said board shall have exclusive control of the moneys of the sinking fund and shall faithfully apply the same, to the payment of the bonded indebtedness of the city of

Grand Rapids and to no other purpose whatever. The board may temporarily invest any portion of the sinking fund in so-called "Street Improvement bonds of the city of Grand Rapids," but no portion of the sinking fund shall be applied to the ultimate payment of any such bonds.

SEC. 39. Said board of sinking fund commissioners shall meet from time to time, for the transaction of business, and may adopt rules of proceedings for their meetings. A majority of the whole board shall be a quorum for the transaction of business, but they shall not purchase in or pay the outstanding funded debt of said city, or invest any of the moneys belonging to the sinking fund as above provided, except under a resolution for such purpose passed and approved by an affirmative vote of a majority of the whole board, and by yeas and nays to be entered of record. The mayor of said city, or in case of his absence, some member to be designated by those present, shall preside at the meetings of the said board. The city clerk shall be the clerk of the board of sinking fund commissioners, and it shall be his duty to keep a true record of all of the meetings of said board, which record shall be kept on file in, and shall be a part of the records of the office of the city clerk.

Time of meeting.

Majority to constitute quorum.

City clerk to be clerk of board.

SEC. 40. The treasurer shall have the custody of all moneys, securities and evidences of value belonging to or pertaining to the sinking fund, and he shall pay out the moneys of said fund, only by order of the board of commissioners, or a majority of the members thereof, and upon a warrant of the comptroller, which warrant the comptroller shall issue when such majority shall so order.

Treasurer to be custodian of moneys, etc.

SEC. 41. Said commissioners shall, from time to time, but at least annually, and whenever requested by the common council, make report of their doings, which report shall be made to the common council, referred to and be filed with the comptroller, and be recorded by him in some proper book to be provided for that purpose.

Annual report.

SEC. 42. The common council shall in each year, levy and collect a tax for the benefit of the sinking fund, of not less than one-half mill on a dollar, nor more than two mills on a dollar in any one year, upon the real estate and personal property in the city, not exempt from taxation by the general laws of the State, and upon all the personal property of residents of the city not exempt from taxation by such general laws. Whenever any bonds of the city of Grand Rapids shall be sold for more than their par value, all of the premium or amount received at such sale more than the par or face value of the bonds sold, shall be credited to and shall belong to the sinking fund. All of the interest paid to the city, by the city depository or depositories elsewhere provided for in this title, shall also belong to, and be credited to the sinking fund of said city.

Council to levy tax for benefit of sinking fund.

Certain moneys to be credited to.

Expenses of board.

SEC. 43. The necessary expenses of the board in performing any of the duties imposed upon it by this act, shall be a proper charge against the city, to be paid by the common council from the general fund of said city.

Moneys belonging to sinking fund, to be credited to.

SEC. 44. Any and all moneys properly belonging to or due the sinking fund of said city, shall on the passage of this act, or within a reasonable time thereafter, be credited to and shall belong to the sinking fund herein provided for, and shall be at once subject to the order of the board of sinking fund commissioners.

Sections amended.

SEC. 3. That sections two, three, and eight of title six of act number three hundred and seventy-four, of the local acts of the State of Michigan, for the year eighteen hundred and ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," approved March twenty-fifth, eighteen hundred and ninety-seven, are hereby amended to read as follows:

Poor commissioners.

SEC. 2. The administration of the affairs of the poor department, and the laws for the relief of the poor in the city of Grand Rapids, and all the powers and duties connected with and incident thereto, shall be, as hereinafter provided, vested in and exercised by a board of five commissioners, who shall be electors and actual residents of the said city, and be known as "The board of poor commissioners of the city of Grand Rapids." The members of said board shall be appointed by the mayor of said city, on the first Monday in May of each year, or within a reasonable time thereafter, and in accordance with the provisions of title two of this act, relative to appointments by the mayor. The full term of each member shall be five years from the first Monday in May of the year in which he may be appointed, and until his successor is appointed and qualified, except as hereinafter specially provided in section eight of this title. Whenever the term of office of any member shall expire, his successor shall be appointed by the mayor, as herein provided, and his term of office shall date from the expiration of the term of office of the member whom he succeeds. The members of said board shall serve without compensation: *Provided however*, That any member of said board who was drawing a salary prior to the passage of this act shall continue to draw the same during the term for which he was appointed.

Appointment of.

Term of office.

Compensation. Proviso.

Who to be president of board.

Proviso.

SEC. 3. At the first meeting of said board, after the first Monday in May of each year, the member whose term of office shall soonest expire, shall be designated as president of the board and shall hold such office of president for the term of one year: *Provided*, That no member shall be eligible to be president of said board unless he has served thereon at least one year immediately preceding. In case the member whose term of office shall soonest expire, shall be ineligible to be president, then the member whose term of office shall soonest expire and who is eligible, shall be designated president.

SEC. 8. Immediately after this act shall take effect, the respective members of said board and their terms of office as herein enumerated shall be, and are hereby designated as follows: Albert J. Killeen, a member of the present board of poor commissioners, of the city of Grand Rapids, shall be a member of said board, until the expiration of his present term of office, the first Monday in May, in the year nineteen hundred, and until his successor is appointed and qualified.

Who to constitute board.

Member of board.

F. W. N. Hugenholtz, a present member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and one, and until his successor is appointed and qualified.

Idem.

Herman H. Idema, a present member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and two, and until his successor is appointed and qualified.

Idem.

Ale Bursma, a qualified elector of said city, shall be a member of said board, until the first Monday in May, nineteen hundred and three, and until his successor is appointed and qualified. And a member to be appointed by the mayor of said city, who shall hold his office until the first Monday in May in the year nineteen hundred and four.

Idem.

Mayor to appoint one member.

SEC. 4. That sections one, five, six and nine, of title seven, of act three hundred and seventy-four of the acts of the State of Michigan, for the year eighteen hundred and ninety-seven, approved March twenty-fifth, eighteen hundred and ninety-seven, be and the same are hereby amended; and four new sections are hereby added to said title to stand as sections sixteen, seventeen, eighteen and nineteen; said sections to read as follows:

Sections amended.

SEC. 1. It shall be the original duty of the common council to adopt all needful measures for the preservation of the public health of the city, and to restrain or prohibit the exercise of any nauseous or dangerous business or avocation within the corporate limits of the city. In furtherance of said original duty and to preserve the public health of the city, and to suppress disease therein, there shall be a board created in said city, to be known as the board of health of the city of Grand Rapids, to consist of five members who shall be electors and actual residents of said city. The full term of office of each of such members shall be for five years from the first Monday of May, in the year in which he may be appointed, and until his successor is appointed and qualified, except as provided in section nineteen of this title. One member at least of such board, shall be a practicing physician, and graduate of some legally authorized medical college of this State, or in any one of the United States, or in any other country. The board of health as thus constituted, for the purpose of organization and the management of its department, shall have all authority that is conferred upon boards of health by the general laws of this State, not repugnant to the provisions of this title, in

Duty of council relative to preservation of health.

Board of health.

Term of office.

One member a physician.

Who to be president of board.	<p>addition to the special powers vested in said board by this title. At the first meeting of the board the first Monday in May, the commissioner whose term of office shall soonest expire, shall be designated as president of the board, and shall hold said office for the term of one year: <i>Provided</i>, That no commissioner shall be eligible to the position of president, unless he has served as a member thereof for at least one year immediately preceding. In case the member whose term of office shall soonest expire shall be ineligible to be president, then the member whose term of office shall soonest expire and who is eligible, shall be designated as president.</p>
Proviso.	
Meetings.	<p>SEC. 5. Said board shall meet at least once in each month at its office, and as much oftener as in its opinion shall be necessary.</p>
Quorum.	<p>A majority of said board shall constitute a quorum for the transaction of business, though a less number may adjourn from time to time.</p>
Compensation.	<p>The members of said board shall serve without compensation.</p>
Expenses to be charges against city.	<p>All necessary expenses incurred by the board and its health officer in the discharge of their respective duties, shall be proper charges against the city. All expenses shall be passed upon by the board, and such expenses as shall have been approved by it, shall be certified to by a majority thereof and filed with the city comptroller, who shall report the same to the common council. In case the matter of expense involved is included in the detailed annual estimate hereinafter provided for, the common council shall order the payment of the same. In case the matter of expense is not herein included, the common council shall take such action in relation thereto as it may deem proper. Said board shall also file with the city comptroller, any matter of expense the validity of which may be in doubt, who shall report the same to the common council.</p>
Majority to certify to comptroller.	
May employ inspectors. Compensation of.	<p>SEC. 6. Said board shall have power to employ one or more inspectors for such length of time and at such compensation as it may deem necessary, and may regulate their service while thus employed. It shall also have power to employ and fix the compensation of all persons necessary to be employed in maintaining and regulating a suitable hospital provided for in the succeeding section, and of all persons necessary in taking charge of the patients of said hospital, and to regulate the services of said persons while thus employed.</p>
May employ necessary help for hospital. Compensation of.	
To report annually.	<p>SEC. 9. Said board of health shall report annually to the State Board of Health in the same manner as local boards of health are now, or shall hereafter be, required by law to report to said State Board of Health. And it shall annually, on the first Monday in May, make an itemized report to the common council, of the matters and expenditures during the preceding year, and of all the matters committed to its charge within such time, including the amount of money in its control at the time of making such report.</p>
Crematory, who to have control.	<p>SEC. 16. The said board shall have the exclusive care, custody, control and management of the city crematory, and of all</p>

the property used in connection therewith, and in such care, custody, control and management, it shall employ all persons it may deem necessary, and may regulate their service and fix their compensation. The board shall also have power to make all necessary rules and regulations in regard to such care, custody, control and management, and the common council of said city may provide by proper by-laws and ordinances for the observance and enforcement of any such rules and regulations. The common council shall provide for the collection of all garbage within the city limits, and for the expense incident thereto; and shall also provide all proper and needful by-laws and ordinances in relation to such collection and expenses. It shall be the duty of said board to see that said by-laws and ordinances are properly enforced.

Rules and regulations of.

Garbage, council to provide for collection of.

SEC. 17. It shall be the duty of said board to prepare and submit to the common council for its ratification or amendment annually, on or before the first Monday in May, estimates of the whole expense of maintaining the department of the board of health for the ensuing fiscal year, in accordance with the provisions of this title. Such estimates shall specify in detail the objects of the expenditures, the sum desired for each, and any special reasons the board may have for desiring the same. The amount of money which the common council shall determine by resolution to be necessary, shall be certified by the city clerk to the city comptroller, with the other amounts to be raised by tax for city highways, sewer and other purposes, in accordance with the provisions of the revised charter of the city of Grand Rapids, for the year eighteen hundred and ninety-seven.

Board to make annual estimate of expenses.

SEC. 18. Said board shall not incur any indebtedness nor enter into any contract requiring the payment of money, unless such indebtedness or such contract is provided for in the detailed annual estimate set forth in the preceding section, unless specially authorized so to do, by a majority of the common council.

Board not to incur indebtedness not provided for in estimate.

SEC. 19. Immediately after this act shall take effect, the respective members of said board and their terms of office as herein enumerated, shall be and are hereby designated as follows:

Members of board, term of office.

J. Orton Edie, a present member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred, and until his successor is appointed and qualified.

Charles W. Calkins, a present member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and one, and until his successor is appointed and qualified.

Malcom C. Sinclair, a present member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and two, and until his successor is appointed and qualified.

Oscar L. Dales, a qualified elector of said city, who shall hold his office until the first Monday in May, nineteen hundred and three and until his successor is appointed and qualified. And one member to be appointed by the mayor, who shall hold his office until the first Monday in May, nineteen hundred and four, and until his successor is appointed and qualified.

Mayor to
appoint mem-
bers of board.

At the expiration of the term of office of each member of said board provided for in this section, and thereafter, all members of said board shall be appointed by the mayor, for the full term of five years, in accordance with the provision of title two of this act, in relation to the appointment of officers by the mayor.

Sections
amended.

SEC. 5. That sections one, two, four, six, seven, eight, nine and thirteen of title nine, of act number three hundred and seventy-four of the local acts of the State of Michigan, for the year eighteen hundred and ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," approved March twenty-fifth, eighteen hundred and ninety-seven, be and the same are hereby amended.

Board of public
works to be
appointed by
mayor.

SEC. 1. There shall be a board of public works in the city, composed of five members, each of whom shall be an elector and an actual resident of said city. The members of said board shall be appointed by the mayor of said city, on the first Monday in May of each year, or within a reasonable time thereafter, and in accordance with the provisions of title two of this act, relative to appointments by the mayor; the full term of each member shall be five years, from the first Monday in May of the year in which he may be appointed, and until his successor is appointed and qualified, except as hereinafter specially provided in section forty-six of this title. Whenever the term of office of any member shall expire his successor shall be appointed by the mayor, as herein provided, and his term of office shall date from the expiration of the term of office of the member whom he succeeds.

Term of office.

Present mem-
bers to consti-
tute.

SEC. 2. The members of said board, as now constituted, shall continue to hold their respective offices until their successors are appointed and qualified, in the manner provided for in section forty-six of this title, and shall discharge all the duties and functions thereof, in accordance with the provisions of this title.

President of.

SEC. 4. At the first meeting of said board after the first Monday in May of each year, the member whose term of office shall soonest expire and who also has served thereon at least one year immediately preceding, shall be designated as president of this board, and shall hold said office of president for the term of one year.

Compensation
of members of
board.

SEC. 6. The members of said board shall each receive three dollars per day for actual time necessarily spent in the discharge of the duties of their office, whether attending as members upon the sessions of said board or otherwise, but no account for services by members, other than attendance upon

sessions of the board, shall be paid unless the same shall first be approved by said board.

SEC. 7. The members shall make and verify their accounts for services, charging at the rate aforesaid, and thereupon it shall be the duty of the common council to allow and order payment for such services from the general fund of said city.

Accounts for services, verification of.

SEC. 8. Said board shall have power to make such by-laws, rules and regulations as may be necessary or expedient for the conduct of the business of the board, not inconsistent with this title. The common council shall provide said board with suitable office room for its meetings and business uses, record books, stationery and other things necessary for the transaction of the public business in charge of said board. All necessary expense incurred by said board shall be presented to the common council in accordance with the provisions of this act, whose duty it shall be to audit and order the same paid in like manner as other accounts against the city are paid.

Council to provide office room.

SEC. 9. No member of said board shall hold any elective office under the charter of said city during his continuance as a member of said board, and his election to any office in said city by the people, which he shall not forthwith resign, shall be deemed to be a resignation of membership, and shall vacate his office in said board.

Members of board not to hold elective office.

SEC. 13. Said board shall have charge and control of the erection and construction of public market buildings, city hall, electric light building or other buildings for furnishing public lights to the city, and all other public buildings, except school-houses, enginehouses, police stations, buildings in parks and cemeteries in said city or other buildings the power to construct which is conferred elsewhere. Said board shall also have charge and control of the maintenance and operation of any electric or other lighting plant; it may employ and fix the compensation of such assistants as it shall deem necessary, and shall have in relation thereto the same powers and duties, as far as applicable, that it has in relation to the water-works of the city. In the erection of public buildings, and in the grading, graveling, paving, planking, or covering with other material any street, highway, lane, alley, court, public place or public ground, and in constructing main and lateral sewers, drains and other public works or improvements, including works for supplying the city with water, said board shall advertise in the official papers of the city for proposals to execute the work, and for material, according to plans and specifications adopted by the board, and make contract with any responsible bidder. Or in case the whole expense of any such public works or improvements shall not exceed the sum of two thousand dollars, said board may in its discretion perform such work and furnish the material therefor itself without advertising for bids or letting a contract therefor, as above provided: *Provided*, Said board shall require security for the performance of proposals tendered to said board, if the bid is

Erection of certain public buildings.

Grading, graveling, etc. bids for to be advertised.

When bids for not to be advertised.

Security for performance of proposals.

When board
may perform
work.

Members of
board, names,
term of office.

accepted, and security for the performance of any contract entered into. Said board shall have the right to reject all bids made, and in case all bids are rejected, the board shall re-advertise for proposals to execute the work and for material. After such re-advertising as aforesaid, if the board shall reject all bids made thereon the board shall either advertise a third time or perform such work and furnish the material itself. And if the latter method shall be adopted, it shall be the duty of the board to communicate in writing to the common council, at its earliest opportunity, its determination so to do; and after the completion of such work, at its earliest opportunity, the board shall make an itemized report in writing to the common council of all money expended by it in the prosecution of such work, and the purchase of such material, stating therein for what particular purpose said money was expended.

SEC. 46. Immediately after this act shall take effect the respective members of said board and their terms of office as herein enumerated, shall be, and hereby are designated as follows:

Wm. T. Johnson, now a member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred, and until his successor is appointed and qualified.

Otis N. Watson, now a member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and one, and until his successor is appointed and qualified.

Dudley E. Waters, now a member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and two, and until his successor is appointed and qualified.

Orson A. Ball, now a member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and three, and until his successor is appointed and qualified.

Mayor ex-officio
member for
certain time.

Joseph Emmer, now a member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and four, and until his successor is appointed and qualified. The mayor of the city shall be a member ex-officio of said board until the first Monday in May, in the year nineteen hundred but not thereafter.

Section
amended.

SEC. 6. That section fourteen of title ten, of act number three hundred and seventy-four of the local acts of the State of Michigan, for the year eighteen hundred and ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," approved March twenty-fifth, eighteen hundred and ninety-seven, be and the same is hereby amended to read as follows:

General powers
of board.

SEC. 14. Said board shall have power to locate sites for enginehouses and police stations, and shall have charge and control of the erection and construction of enginehouses, police stations and all other buildings necessary for either of said

departments; to organize said city into as many fire districts as it may deem necessary; to prescribe rules for the inspection of buildings by fire wardens, and to prescribe the duties of fire wardens; to control the cisterns and hydrants in use by said fire department; to direct the manner in which the bells of the city shall be tolled or rung in case of fire or alarms of fire; and to establish and maintain an efficient system of fire alarm telegraph, and such other telegraphic or telephonic apparatus as may be necessary to secure the highest efficiency of the department. In the erection of enginehouses, police stations and other buildings necessary for either of said departments, said board shall advertise in the official papers of the city for proposals to execute the work, and for material, according to plans and specifications adopted by the board, and make contract with any responsible bidder; or in case the whole expense of any such building or work shall not exceed the sum of two thousand dollars, said board may in its discretion perform such work and furnish the material therefor itself without advertising for bids or letting a contract therefor as above provided: *Provided*, Said board shall require security for the performance of proposals tendered to said board, if the bid is accepted, and security for the performance of any contract entered into. Said board shall have the right to reject all bids made, and in case all bids are rejected, the board shall re-advertise for proposals to execute the work and for material. After such re-advertising as aforesaid, if the board shall reject all bids made thereon, the board shall either advertise a third time or perform such work and furnish the material therefor itself; and if the latter method shall be adopted, it shall be the duty of the board to communicate in writing to the common council, at its earliest opportunity, its determination so to do; and after the completion of such work, at its earliest opportunity, the board shall make an itemized report in writing, to the common council, of all money expended by it in the prosecution of such work, and the purchase of such material, stating therein for what particular purpose said money was expended. All contracts prepared in accordance with this section shall be submitted to the common council for approval, before the adoption and execution thereof, and the common council shall have power to reject any such contract if it shall see fit to do so.

Erection of enginehouses, etc., bids to be advertised for.

When board may perform work.

Report of money expended to be made to council.

Contracts to be submitted to council.

SEC. 7. That sections one to seventeen inclusive of title eleven of act number three hundred seventy-four of the local acts of the State of Michigan, for the year eighteen hundred ninety-seven, entitled "An act to revise the charter of the city of Grand Rapids," approved March twenty-five, eighteen hundred ninety-seven, be and the same are hereby repealed; but the repeal of said sections one to seventeen inclusive shall in nowise affect any right, action or demand accrued or accruing under and by virtue of the provisions of said sections hereby repealed, but all such rights, actions or demands shall be inter-

Sections repealed.

preted, governed and enforced in accordance with such provisions; that twenty-five new sections are hereby added to and hereafter shall be known and designated as title eleven of the revised charter of the city of Grand Rapids for the year eighteen hundred ninety-seven; said sections to read as follows:

May purchase
real estate.

SEC. 1. The common council of the city of Grand Rapids shall have power to purchase and hold real estate for cemetery purposes and for park purposes, either within or without the city limits, and shall designate appropriate names for such cemeteries and parks.

To be recorded.

SEC. 2. The metes and boundaries of such real estate and any additions thereto shall be attested by the signatures of the mayor and the city clerk and recorded in the office of the register of deeds for Kent county, and be forever dedicated to the purposes for which they were purchased and are held.

Board of com-
missioners,
control of.

SEC. 3. All such real estate, together with all that owned by the city of Grand Rapids previous to the passage of this act and dedicated respectively to cemetery and to park purposes, including all properties, buildings and improvements of every kind connected therewith, shall be under the exclusive control of five commissioners who shall be electors and actual residents of said city and be known and designated as "The Board of Cemetery and Park Commissioners of the City of Grand Rapids."

When and how
appointed.

SEC. 4. The members of said board shall be appointed by the mayor of said city on the first Monday in May of each year or within a reasonable time thereafter, and in accordance with the provisions of title two of this act, relative to appointments

Term of office.

by the mayor; the full term of each member shall be five years, from the first Monday in May of the year in which he may be appointed and until his successor is appointed and qualified, except as hereinafter specially provided in section five of this title. Whenever the term of office of any member shall expire, his successor shall be appointed by the mayor, as herein provided, and his term of office shall date from the expiration of the term of office of the member whom he succeeds. The mem-

Compensation.

bers of said board shall devote all the time necessary to a proper discharge of the duties of their offices, and they shall receive such compensation as the common council direct, not to exceed one hundred dollars per annum for each member.

President of
board.

At the first meeting of said board after the first Monday in May of each year the member whose term of office shall soonest expire and who also has served thereon at least one year immediately preceding shall be designated as president of this board and shall hold said office of president for the term of one year, and in case the member whose term of office shall soonest expire shall be ineligible to be president, then the member whose term of office would soonest expire and who is eligible, shall be designated as president.

SEC. 5. Immediately after this act shall take effect, the respective members of said board and their terms of office as herein enumerated shall be, and hereby are, designated as follows:

Members of
board, names,
term of office.

Thomas W. Strahan, an elector and resident of said city, shall be a member of said board, until the first Monday in May, nineteen hundred, and until his successor is appointed and qualified.

George A. Davis, an elector and resident of said city, shall be a member of said board until the first Monday in May, nineteen hundred and one, and until his successor is appointed and qualified.

Heman G. Barlow, a present member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and two, and until his successor is appointed and qualified.

Frank E. Pulte, a present member of said board, shall hold his office until the first Monday in May, nineteen hundred and three, and until his successor is appointed and qualified.

Frank W. Ball, a present member of said board, shall continue to hold his office until the first Monday in May, nineteen hundred and four, and until his successor is appointed and qualified.

SEC. 6. The said board of cemetery and park commissioners shall have exclusive care, custody and management of all property upon the cemetery grounds and shall employ superintendents and such sextons and laborers thereon as it may deem proper, and may regulate their compensation and services subject to the provisions of this act.

To employ
officers.

SEC. 7. Said board shall cause suitable surveys and maps to be made and perfected of all the grounds, roadways, walks, lots, and reservations belonging to or included in such cemeteries. Said board shall regulate the sales and prices of lots and interments therein and shall make such improvements and regulations for the use and protection of such cemeteries and may adopt such rules and regulations in relation to the care of lots, or parts of lots therein as it may deem proper, and no interment on any lot or part of lot shall be permitted while there is any unpaid account due for work done thereon, provided such account was incurred on the order of any person competent to give same, but in no case shall it charge a fee for visitors.

General duties
of board.

SEC. 8. Said board is hereby authorized to accept from any person or persons by the terms of any deed, will, or otherwise, any gift, devise or bequest, in trust for the use and purpose of keeping in good order and repair the family burial lot, monuments, vaults, tombs, graves, and lot improvements, as well as for the planting of flowers, trees or shrubbery, and the general decoration with flowers of any such lots or graves of such grantors or devisors, in any of the cemeteries under the charge and control of said board; and also to accept from any person

May accept be-
quests, etc., for
what purpose.

Conditions of
acceptance.

or persons in the manner aforesaid, any gift, devise or bequest, in trust, for the uses and purposes of keeping in good order and repair all the burial lots, monuments, vaults, tombs, graves and lot improvements, or any particular part or portion thereof, as well as for the planting of flowers, trees or shrubbery and of general decoration with flowers of any such lots or graves, or any particular part or portion thereof, in any such cemeteries; but any such authority shall not extend to any other uses or purposes whatsoever: *Provided*, That if the value of such trust property shall be the sum of five hundred dollars or more, and situated in the city of Grand Rapids, said board shall not accept or discharge such trust until it first applies to the superior court of Grand Rapids in chancery for an order confirming said trust and obtain such order; or if such trust property shall be situated within the county of Kent, but not within the corporate limits of said city, such application shall be made to the circuit court for the county of Kent in chancery, and such order obtained therefrom; and thereupon such trust shall be executed by said board, or a majority thereof, and their successors in office, under the direction of the court granting such order, and in accordance with the terms thereof. All the court expenses incident to the obtaining of such order shall be paid out of the said trust fund.

Repair fund.

SEC. 9. Said board shall cause a fund to be provided for each of the cemeteries under its charge from the receipts derived from the cemetery to which such fund shall be credited otherwise than those arising from taxation, as herein provided, by appropriating annually not less than ten per cent of the gross receipts from such cemetery as aforesaid, which shall constitute a repair fund for such cemetery, but such fund shall not exceed in any instance the sum of fifty thousand dollars. Said board shall invest said money in valid security or securities, worth not less than par value, and the interest thereof shall be applied solely to the repairing of road-ways, water appliances, walks, hill-sides, drains, monuments, abandoned lots and public grounds connected with such cemeteries and buildings within such cemetery bounds. Such repair funds shall not, under any pretext or evasion, be diverted from the above declared purpose, and shall be used as above directed, except as hereinafter set forth, but no greater sum shall be annually used than the interest on such invested moneys, except as herein expressly provided.

Receipts may be
divided, when.

SEC. 10. Whenever the gross receipts of any one cemetery, as above provided, shall exceed the sum of fifty thousand dollars, said board shall take such excess and put it in the fund of one of the other cemeteries or divided between the fund of the other cemeteries in such proportion as it may deem best, but no fund shall exceed the above prescribed limit. The said board may in its discretion save the annual interest on any such fund from year to year and use the accumulated interest in repairs as above provided, if in its judgment such accumulat-

ed interest can be more beneficially laid out in repairs than the annual interest could be so laid out.

SEC. 11. It shall be lawful for the common council, for the purpose of providing said board with funds for permanent buildings and special improvements which may be at any time needed upon said cemeteries, to advance the required funds to the board from the general money of the city not otherwise appropriated, or to borrow the same for such purpose, in either case not to exceed the sum of ten thousand dollars, until funds can be collected by the board from the sale of lots. It shall be the duty of the said board, whenever any money shall be advanced by the city as aforesaid, to deposit quarterly with the city treasurer twenty-five per cent of the gross receipts from the sale of lots as a sinking fund for the repayment of the funds so advanced.

Council may
loan money to
board.

SEC. 12. The said board shall pay to the city treasurer all moneys received from the sale of lots and other sources, including all penalties collected from violation of any city ordinance or regulation adopted by the common council relating to cemeteries, and the city treasurer shall receive such money and place the same in the proper fund. All expenses incurred by the board on account of cemeteries shall be passed upon by it and certified to by the majority thereof, and filed with the city comptroller, who shall certify the same to the common council for payment which it shall order paid provided there are funds to the credit of the cemetery for payment of the same. The common council may appropriate in its annual budget for purchases, improvements and maintenance, of the city cemeteries in the same way as for the city highways and sewers.

City treasurer
to be custodian
of money.

SEC. 13. All deeds and conveyances of cemetery lots shall be executed by the mayor and city clerk and countersigned by the city comptroller, and recorded in the office of the city clerk, provided that no deed or conveyance of any such lot shall be delivered to any person until the receipt for the purchase price thereof, signed by the superintendent of the cemetery, wherein such lot is situated, and countersigned by at least one member of said board, is shown to said officers executing the deed or conveyance of the same.

Deeds to lots.

SEC. 14. Said board shall, on the first Monday in May, after the passage of this act, and on the first Monday in May of every year thereafter, render to the common council an itemized report of its receipts and expenditures, and also of all the matters committed to its charge, including the status of each of the funds herein provided for.

Report to
council.

SEC. 15. The cemetery properties of the city of Grand Rapids and all lots and plats therein which have been, or shall hereafter be, conveyed by said city, as places of burial of the dead, shall forever be exempted from general taxation and from special assessments for local improvements, and shall not be liable to be sold on execution, or to be applied to the payments

Exempt from
taxation and
execution.

of debts by any assignment under any insolvent law, or by any compulsory process of law.

Burial of the poor.

SEC. 16. Said board shall assign and set apart suitable plats of ground for the burial of the poor, and shall creditably care for and beautify the same, and shall cause interments to be made therein to be paid for out of the poor fund of the city. It shall provide a plat of ground and care for the same wherein single interment permits shall be sold at a purchase price not to exceed ten dollars.

Council to provide for maintenance, etc.

Board to submit estimates of.

SEC. 17. The common council shall provide an appropriation in its annual budget for the year eighteen hundred and ninety-nine, for the care, maintenance, improvements or extensions of parks. It shall be the duty of said board to prepare and submit to the common council for its ratification or amendment, on or before the first Monday in May in each year thereafter, estimates for the care, maintenance, improvements or extensions of said parks. Such estimates shall specify in detail the objects of the expenditures, the sum desired for each and any special reasons the board may have for desiring the same. The amount of money which the common council shall determine by resolution to be necessary shall be certified by the city clerk to the city comptroller with the other amounts determined to be raised by tax for city highway, sewer and other purposes in accordance with the provisions of the revised charter of the city of Grand Rapids, for the year eighteen hundred and ninety-seven.

City treasurer custodian of park fund.

SEC. 18. The said board shall pay to the city treasurer all moneys received from any source relating to said parks, who shall receive such money and place the same in a fund to be called the park fund. All expenses incurred by the board on account of parks shall be passed upon by it and certified to by a majority thereof, and filed with the city comptroller who shall certify the same to the common council for payment, and in case the matter of expense involved is included in the annual budget, herein provided for, the common council shall order the payment of the same. In case the matter of expense is not therein included, the common council shall take such action in relation thereto as it may deem proper.

Council to authorize indebtedness in excess of annual budget.

SEC. 19. No debt or liability of any kind shall be created by said board on account of parks in excess of the annual budget, and money in said park funds unless specially authorized so to do by a majority of the common council. The said board may accept donations or bequests of money or property which shall be used for the maintenance and improvements of said parks as contemplated by such donation or bequest.

Board may appoint superintendent. Compensation.

SEC. 20. Said board shall have power to engage or appoint all employes on the parks and fix their compensation. It shall have power to appoint a superintendent of parks not one of its members and to fix his salary. Such superintendent shall hold his position during the pleasure of said board.

SEC. 21. Said board shall have exclusive control over all improvements in any of the said cemeteries or parks; also the construction of all buildings and the maintenance thereof.

Control of
parks, etc.

SEC. 22. The said board may make all needful rules and regulations for the management, maintenance and care of the said cemeteries and parks and regulate their use; and the common council of said city may provide by ordinance for the observation of the same; and may also, in like manner, provide for the observance and enforcement of any other rules and regulations duly made by said board, under any of the provisions of this act; and said common council may by ordinance provide for the preservation and protection of the cemeteries and parks and any of the property in charge of said board against any destruction or injury, and prevent the destruction or injury to or taking of any trees, shrubs, plants, flowers or other things set out, planted or used by said board in benefiting, improving or ornamenting said cemeteries or parks and prevent any disorder or disturbance on or about said cemeteries and parks or any encroachment thereon or interference with the quiet and peaceful use and enjoyment of the same, for the purposes for which the same are established and maintained. Said ordinances may provide for the punishment of any breach or violation of any of their provisions by like penalty provided for violation of ordinances of said city.

Rules and regu-
lations.

SEC. 23. The board of police and fire commissioners of said city shall, upon request of the said board of cemeteries and parks, appoint as special police constables such persons as the said board of cemeteries and parks shall designate in writing, whose services shall be limited to the grounds and buildings under the charge of said board of cemetery and park commissioners; the duty of said police constables shall be to maintain order and protect the property in said cemeteries or parks of the city. The said board may also request the board of police and fire commissioners, through its president, to detail as many regular patrolmen as in the judgment of said board of cemetery and park commissioners may be necessary for the above enumerated purposes. Any police constable on duty in said cemeteries or parks may remove therefrom any person who may violate any of the rules and regulations of said board of cemetery and park commissioners or any of the ordinances of the city of Grand Rapids adopted as aforesaid relating to said cemeteries and parks or any law of the State of Michigan, and in case such offense is against any ordinance of said city or law of said State such police constable shall conduct any offender to the nearest patrol box for conveyance to the police station for detention in the usual manner.

Police powers
in cemeteries.

SEC. 24. It shall be the duty of said board to demand, obtain and receive all the official records, books, plans and papers from the late board of cemetery commissioners, or any person or persons who may have the same or any portion thereof, and

Official records,
books, etc., care
of.

thereafter said board of cemetery and park commissioners shall have the care, custody and control the same.

City surveyor
and engineer to
perform ser-
vices for.

SEC. 25. The city surveyor or engineer shall perform such services as may be required of him by said board or the common council.

Acts repealed.

Proviso as to
submission to
electors.

SEC. 8. All acts or parts of acts inconsistent or in conflict with any of the provisions of this act, are hereby repealed: *Provided*, The provisions of this act, amending sections heretofore set forth shall not be operative until the question of their adoption shall have been duly submitted to the electors of the city of Grand Rapids. The common council shall, at the next regular city election, or at a special election to be called for that purpose, submit the foregoing amendments in gross for the adoption or rejection of the same. At the election at which said amendments shall be submitted, if a majority of the electors voting at said election on said question shall vote in favor of their adoption, the same shall become operative and be a part of the charter of the city of Grand Rapids.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 462.]

AN ACT to amend section number twenty-two of chapter seven of an Act to Provide a Charter for the City of Detroit, and to repeal all acts or parts of acts in conflict therewith, approved June seventh eighteen hundred eighty-three.

The People of the State of Michigan enact:

Section
amended.

SECTION 1. That section twenty-two of chapter seven of the local acts of eighteen hundred eighty-three, being an act to provide a charter for the city of Detroit, be and the same is hereby amended to read as follows:

Board of alder-
men to be
judges of elec-
tion, etc., of its
members.

Compensation.

SEC. 22. The board of aldermen shall be the judges of the election and qualifications of its own members, and shall have the power to determine contested elections to said board; the compensation of members of the said board shall be twelve hundred dollars each per annum, payable in monthly installments. Said board shall also have power to determine the rule of its proceedings and to pass and enforce all by-laws and rules necessary and convenient for the transaction of business and not inconsistent with the provisions of this act.

This act is ordered to take immediate effect.

Approved June 23, 1899.

[No. 463.]

AN ACT to provide for a board of education in the city of Grand Rapids, and for the control of the public free schools and public library in the school district included within the limits of the city of Grand Rapids, and to repeal act number three hundred forty-four relative to free schools in the city of Grand Rapids, approved March fifteenth, eighteen hundred seventy-one, and acts amendatory thereto, and acts inconsistent herewith.

The People of the State of Michigan enact:

SECTION 1. That the city of Grand Rapids and all contiguous territory which shall hereafter be added thereto, shall constitute one school district, and the public library and all public schools therein and all public school and library property shall be under the direction and control of the board of education hereinafter provided for, and shall be free to all residents of said district over the age of five years: *Provided*, That said board of education shall have power to establish tuition rates on the payment of which pupils not residing in said city may be admitted to the schools under its control. But the children of any non-resident paying school taxes to said city of Grand Rapids, shall have the privilege of attendance at the public schools of said city, under such regulations as said board of education shall adopt, and the school taxes thus paid shall be deducted from the charges that shall be made for the children of such non-resident tax-payer.

SEC. 2. The board of education created by this act shall consist of the mayor of said city, ex-officio, and twelve members to be elected as hereinafter provided; one from each of the wards of said city, as at present constituted under the general charter of said city, the elected members thereof to serve for a term of three years, except as herein otherwise provided. The members of the existing board of education of said city shall constitute the board of education of said city under this act between the time when this act shall take effect, and the second Saturday in September next after the passage of this act. The members of the existing board of education whose terms of office expire on the second Saturday in September in the year nineteen hundred, shall constitute the board of education of said city under this act from the second Saturday in September of the year eighteen hundred ninety-nine until the election and qualification of members of said board under the first election provided for in this act.

SEC. 3. Each and every meeting of said board or committees thereof shall be open to the public, and the records of said board shall be open for inspection by any taxpayer of said city; and upon demand of any one member of said board the vote of each and all members thereof present and voting in relation

to any resolution, election, appointment, proceeding or proposition, shall be recorded in the Secretary's minutes of the proceedings of the board.

Election of
members.

Idem.

Idem.

SEC. 4. The first election of members under this act shall be held on the first Tuesday of September in the year nineteen hundred, at which time there shall be elected in each of the wards of said city one member of said board, who shall enter upon the duties of his office on the second Saturday in September following. The members so elected in the year nineteen hundred in the first, second, third and fourth wards of said city shall serve for a term of three years. The members so elected in the year nineteen hundred in the fifth, sixth, seventh and eighth wards shall serve for a term of two years. The members so elected in the year nineteen hundred in the ninth, tenth, eleventh and twelfth wards shall serve for a term of one year; and in each case said members shall serve until their successors shall have been elected and qualified. On the first Tuesday of September in the year nineteen hundred one and every third year thereafter there shall be elected in the ninth, tenth, eleventh and twelfth wards one member of said board from each of said wards for a term of three years. On the first Tuesday of September in the year nineteen hundred two and every third year thereafter there shall be elected in the fifth, sixth, seventh and eighth wards one member of said board from each ward for a term of three years. On the first Tuesday of September in the year nineteen hundred three and every third year thereafter there shall be elected in the first, second, third and fourth wards one member of said board from each ward for a term of three years; and in each case members so elected shall hold office until their successors shall have been elected and have qualified.

Vacancy.

SEC. 5. In case any vacancy shall occur in the membership of said board of education, either by death, resignation or otherwise, it shall be filled by appointment of the mayor of said city of Grand Rapids as soon as practicable after such vacancy occurs, and the person appointed as a member of said board to fill a vacancy shall hold the office until the time fixed herein for the next school election, in said city.

QUALIFICATIONS OF MEMBERS OF THE BOARD, ETC.

Qualification
of members.

SEC. 6. No person shall be qualified for election or appointment as a member of said board of education who shall not at the time of his or her election or appointment have reached the age of twenty-one years, and who shall not be a citizen and resident of said city of Grand Rapids and of the ward which he or she is to represent. Nor shall any person be qualified for election as a member who shall not have been nominated for such position as hereinafter provided. No member of said board shall be eligible to any elective or appointive office under said board or under any other municipal body or officer of said

city of Grand Rapids. No member of said board shall be interested, either directly or indirectly, in any contract with or claim against said board. If at any time any member of said board shall become interested in any contract with or claim against said board, either directly or indirectly, such member shall thereupon be disqualified to continue as a member of said board, and a vacancy therein shall thereby be deemed to be created, and shall be filled in the manner hereinbefore provided for filling vacancies in said board. No compensation shall be received by any member of said board for any services performed as a member of or at the instance of said board, but membership therein shall constitute an exemption from performing duty as a juror.

POWERS AND DUTIES OF THE BOARD.

SEC. 7. Said board shall be a body corporate, and shall be known as "the board of education of the city of Grand Rapids," and by and in said name may sue and be sued, purchase, take, hold, sell, receive gifts of and convey real and personal property, and do all things necessary to the purpose for which said school district was organized, and shall succeed to all the property rights and privileges granted and belonging to the board of education constituted by Act number three hundred forty-four of the Legislature of the State of Michigan, approved March fifteenth, eighteen hundred seventy-one, and the acts amendatory thereto; and all titles to public school and library property in said city of Grand Rapids, and all other property and rights whatsoever pertaining to the former board of education of said city, shall be and are hereby vested in the board of education created by this act. Powers and duties of board.

SEC. 8. Said board of education, subject to the limitations of this act, shall have general management and control of the public schools and public library of said city of Grand Rapids. Idem.

It shall elect a president, secretary, treasurer, superintendent of schools and business manager, and may elect or appoint such other officers, librarians, architects, agents and employes (except principals, teachers and instructors,) as it may deem necessary for the proper conduct of the schools and library of said city. It shall have power to fix the salaries of the secretary, treasurer, superintendent of schools, business manager and all other officers, agents and employes of the board. It shall have power to determine the number of principals, teachers and instructors to be employed in each of the schools of said city, and to fix the salaries of all such principals, teachers and instructors, and for this purpose said board shall have power to adopt such schedules of salaries as it shall deem proper by dividing principals, teachers and other officers and employes into classes to be determined by responsibility, or experience, or otherwise. It shall have power to designate and purchase a public library site and school house sites, to con- Officers of board.
Board to fix salary of officers.

struct and erect a public library building, school buildings, and furnish the same, to provide room, furniture, apparatus, books, charts and all things requisite for the proper conduct of the schools and library of said city, including apparatus and scientific collections for illustration. It shall have power to establish, locate, and maintain branch libraries and distributing stations, high schools, grammar schools, primary schools and industrial or manual training schools.

It shall have power to purchase, change, repair and improve the school apparatus, books, furniture, appendages, fixtures, text books and all other school supplies used in said schools; to supply and loan to the pupils in the several grades and departments of said schools, free of charge but under rules and regulations, all text books and supplies used and to be used by the pupils of said schools; to collect in and recover back all books and apparatus loaned and given to indigent pupils of said schools.

It shall have power, generally, to do all things needful and desirable for the maintenance, prosperity and success of said library and said schools, and the promotion of the thorough education of the pupils thereof, except as herein, or by the general laws of this State such power is limited.

Meetings, when held.

It shall have power to fix the time of its meetings, except that at least one regular meeting each month shall be provided for.

It shall have power to make, amend and repeal rules and by-laws for its procedure, and for the government and management of the schools and school property under its control; but the rules and by-laws of the Board of Education superseded by this act, so far as they are not inconsistent with the provisions of this act, shall remain in force and be binding upon the Board of Education hereby created until such time as it shall adopt new rules and by-laws to supersede them.

It shall have power to collect from the county treasurer or or other officer holding the same, all moneys appropriated for primary school and district library purposes.

May borrow money.

It shall have power from time to time on such terms of payment as it may deem proper, to borrow money for temporary school purposes, not to exceed in all thirty thousand dollars in any one year, and it may issue bonds of said Board therefor, the amount of which shall be paid out of the first school taxes collected thereafter.

Idem

It shall have power, except as limited by this act, to borrow such sums of money as may be deemed by it necessary for the purpose of purchasing a library site, school house sites and building a public library building and school houses in said city: *Provided, however,* That the borrowing of money for that purpose shall first be authorized by a vote of at least nine members of said board, and shall also first be submitted to the electors of said city for approval or rejection. Whenever so authorized by said board, the secretary of said board shall, under the

Proviso.

direction of said board, give notice of a general election for the purpose of submitting to said electors the matter of the borrowing of said money. Such notice shall be the same as is required in the case of an election of members of said board, as near as may be, and shall state the object of said election, and suitable ballots shall be prepared by said secretary for use at said election, which ballots shall provide for affirmative and negative votes upon the question submitted. Said board shall provide a suitable place in each ward for said election, and appoint inspectors thereof, in the same manner, as near as may be, as in the case of an election of members. Such election shall be conducted, as near as may be, in the manner provided in this act for the election of members of said board; the inspectors of such election shall perform like duties; and the votes cast at such election shall be canvassed by said board as in other cases. If the action of the board in authorizing the issue of such bonds is ratified by a majority of the votes cast upon the subject of said bonds, the same may be issued and negotiated under the direction of said board, but not otherwise. Said bonds shall be countersigned by the president and secretary of said board and deposited with the treasurer thereof, and which shall in no case be sold at less than their face value.

SEC. 9. Said board shall constitute the board of school inspectors for said district, and as such shall report to the clerk of the county of Kent, and no school inspector shall hereafter be elected in said city. School inspectors, who to constitute.

Said board shall annually, in the month of June, publish in two daily newspapers of said city, a statement of the general condition of the public library, the number of schools in said city, the number of teachers employed, the number of pupils instructed therein, and the total expenditures of said board during the preceding year. Condition of schools to be published.

Said board shall annually, on the third Monday in August, make an estimate of the amount of taxes deemed necessary for the ensuing year, for all purposes of expenditures within the power of said board, which estimate shall specify the amounts required for the different objects of expenditure, and publish the same before the time herein fixed for the action of the common council thereon, at least twice in two of the daily newspapers printed and published in said city, which said estimate shall, on the second Monday in September of said year, be presented to the common council of said city by said board for ratification, amendment or rejection, and it shall not be lawful to levy a tax for school purposes that has not been approved by said council, except as hereinafter provided. On or before the first Monday in each year, the secretary of said board shall make a written report of the amount of taxes so deemed necessary and approved by said council, to the board of assessors of said city, who shall apportion the said amount among the several wards of said city according to the equalized valuation Estimate of taxes.

of the property of said wards appearing upon the assessment rolls for each year, and the same shall be levied, collected and returned in the same manner as other city taxes: *Provided*, That for purchasing school lots, for erecting school houses and the payment of school bonds issued for such purposes, no greater sum than five mills on the dollar of all taxable valuation of the real and personal property in said city shall be levied in any one year: *And provided also*, That if, for any reason, the said common council shall fail to pass upon said estimate in any year, before the first Monday in October in such year, then the estimate of said board of education of the taxes deemed necessary for the ensuing year, duly made and published, as aforesaid, shall be reported by the secretary of the board to said board of assessors, and the same shall be apportioned, levied, collected and returned in the manner hereinbefore specified.

All school taxes which may be assessed within said city shall be set forth in the assessment rolls in said city in separate columns apart and distinguished from all other city taxes.

PRESIDENT AND SECRETARY.

President and secretary of board, when elected.

SEC. 10. Said board of education shall at its first regular meeting in October in each year, or within twenty days thereafter, elect one of their number president, who shall, in addition to the usual powers of a president, have authority to appoint all the standing committees provided for by the general rules of said board, and who shall appoint and report said committees within twenty days after his or her election, and said board shall, at or within the same time, also elect from without its membership a secretary of said board. Said president and secretary shall each hold office for one year and until a successor shall be elected.

Vacancies, how filled.

Vacancies in either of said offices shall be filled by said board. The secretary of said board shall perform such duties as said board may impose, in addition to the duties imposed by this act.

TREASURER.

Treasurer, when appointed.

SEC. 11. Said board shall also, at its first regular meeting in October of each year, or within twenty days thereafter, appoint a responsible person as treasurer of said board of education, who shall enter upon the duties of his office as soon as he has qualified, as hereinafter required, and who shall hold said office for the term of one year from the date of his election, and until his successor is elected and qualified. Said treasurer shall have the keeping of all school, library and other moneys of said board, and shall pay out the same only upon the order of said board of education, signed by the secretary thereof, and countersigned by the president, which order shall show the

Duties of.

object for which payment is required. Before entering upon the duties of his office said treasurer shall give a good and sufficient bond to said board of education with sufficient sureties, and in an amount to be approved by said board, conditioned for the faithful performance of the duties of his office and the accounting for all money that may come into his possession or control as such treasurer, which bond shall be filed with the secretary of said board. The treasurer may be removed from office by said board for incompetency or breach of duty, and the vacancy so created shall be filled by said board.

SUPERINTENDENT OF SCHOOLS.

SEC. 12. At the first meeting in May of the year next following the passage of this act, or within twenty days thereafter, said board of education shall elect a superintendent of schools, who shall enter upon the duties of his office on the tenth day of July thereafter. Such election shall be by ballot by a majority vote of the entire board of education, and said election shall be for a term of one, two or three years as said board shall determine, but the person so elected shall be subject to removal for cause, at any time, by a vote of nine members of said board of education, who may also elect in such case a successor. At the first meeting of said board in the month of May next previous to the date of the expiration of each term for which the superintendent shall be elected, or within twenty days thereafter, said board of education shall elect by ballot by a majority vote of the entire board a successor to the superintendent of schools previously elected. Superintendent
of schools.

SEC. 13. Said superintendent shall, before entering upon the performance of his duties, give a bond to said board of education with sufficient sureties, and in an amount to be approved by said board, conditioned for the faithful performance of the duties of his office, which bond shall be filed with the secretary of said board. Bond.

Said superintendent shall have power, subject to the limitations herein, to appoint for a period not exceeding one year, each and all of the principals, teachers and instructors, the places for whom shall have been authorized by said board of education; but no person shall be appointed as principal, teacher or instructor, unless such person shall first have been granted a certificate showing his qualifications therefor, in the manner prescribed by the rules of said board. Powers of.

All appointments by said superintendent shall, before they take effect, be reported to the board of education in writing by said superintendent, and such appointments shall be binding upon said board of education, unless said board shall by a vote of eight of the elected members of said board, at or before the next regular meeting thereafter, overrule such appointments in whole or in part, in which case the appointments so Appointments
by, how made

Proviso.

overruled shall not have force, and said superintendent shall appoint some new person or persons to the place or places left vacant by the vote of said board as aforesaid, which new appointments shall in like manner be binding, unless overruled as herein provided: *Provided*, That said superintendent shall have power, in cases of emergency, to fill vacancies temporarily, the appointments to be reported at the next regular meeting of the board, and thereafter to be subject to be overruled as herein provided.

Said superintendent shall also have power to transfer any such principal, teacher or instructor, and to dismiss any such principal, teacher or instructor, but in each case such transfer or dismissal shall likewise be reported to said board of education before it shall take effect, and the same shall be subject to be overruled in the same manner as above provided in respect to appointments.

May designate courses of study.

Said superintendent shall also have authority to designate the courses of study to be followed in the schools of said city, but the courses of study in force at the time this act shall take effect shall be followed unless altered by said superintendent, and every alteration in such courses of study shall, before it is given effect, be reported by said superintendent to said board of education in writing and the same shall be binding, and subject to be overruled by said board, in the same manner as above provided in respect to appointments.

May attend all meetings.

Said superintendent shall have a right to a seat at all the meetings of said board, and at all meetings of regular committees of said board, and also the right to participate in all discussions before said board or said committees, and to submit recommendations in writing thereto, but he shall not have the right to vote.

To give entire time to duties.

It shall be the duty of said superintendent to give his entire time to the duties of his office and to the advancement of the educational work of said schools; and he shall not be interested in any manner, directly or indirectly, in any contract or claim made by or presented to said board, except his own contract as superintendent and claim thereunder.

BUSINESS MANAGER.

Business manager.

SEC. 14. Said board shall, at its first regular meeting in October next after the passage of this act, or within twenty days thereafter, elect by ballot, by a vote of a majority of the entire board, a business manager, whose term of office shall be for one, two or three years, as said board shall determine, and at the first regular meeting in October next, previous to the expiration of his term of office, his successor shall be elected. But said business manager may be removed for cause at any time by a vote of nine members of said board.

Bond of.

He shall, before entering upon the duties of his office, give a bond to said board, with sufficient sureties and in such sum as

shall be approved by said board, not less than five thousand dollars, conditioned for the faithful performance of the duties of his office.

The business manager shall not be interested in any contract with or claim against said board, either directly or indirectly, (except his own contract with the board), and if at any time he shall become interested, directly or indirectly, in any contract with or claim against the board, he shall thereupon become disqualified to continue in the capacity of business manager, and it shall be the duty of said board of education to declare his office vacant, and to elect some other person as successor. And any business manager who shall accept from any person, firm or corporation any money or article of value of whatsoever kind or character at a time when such person, firm or corporation is proposing to furnish, or has furnished, any books, apparatus, supplies or other articles to said board, shall forfeit his right to continue in the office of business manager, and in that case his office shall be declared vacant by said board, and some other person elected as his successor.

Not to be interested in any contract or claim.

The business manager shall devote his entire time to the duties of his office, and shall have general business oversight of the affairs of said board of education as distinguished from the educational work of said schools, but subject to the provisions of this act, and of such special directions and general rules as may be made and adopted by said board of education.

To devote his entire time to duties of his office.

He shall have a right to participate in the discussions at any meeting of said board, and at any meeting of a committee of said board, and to submit written recommendations thereto, but shall not have the right to vote.

Right of.

He shall have the general supervision of all construction, repairs and improvements authorized by said board of education, upon the buildings, grounds or other property of said board, and it shall be his duty to see that all contracts relating to such construction, repairs or improvements are faithfully executed.

To have supervision of improvements, etc.

He shall also have the oversight of the work of all workmen and janitors employed by said board, and he shall enforce the performance of duty by all janitors, and he shall report to the said board any inattention to duty of which any janitor shall be guilty whenever the same shall be known by him, or whenever alleged violation of duty shall be reported to him in writing by the principal of any school building.

To have oversight of the work of all workmen.

Whenever said board of education shall have determined upon the purchase of any maps, charts, books, apparatus, miscellaneous, educational or other supplies, it shall be the duty of said business manager to procure bids therefor from responsible parties, under the direction of said board, and to report the same to said board in detail, and whenever contracts concerning the same shall have been made by said board

Duties of, relative to maps, charts, etc.

it shall be the duty of the business manager to see that the same are faithfully performed.

Authority of.

He shall have authority to make expenditures in emergencies for repairs, supplies and other purposes necessary to the immediate welfare of the schools, not to exceed a total of two hundred dollars in any one calendar month, and to draw orders upon the treasurer of the board for that purpose, but a statement of all such expenditures in detail shall be made to the board of education at each regular meeting, and such statement shall be printed in the proceedings of said board. Such emergency expenditures shall stand as approved unless disapproved by a vote of nine members of said board at the regular meeting at which they are reported to the board, or at the regular meeting next subsequent thereto. If disapproved by said board, the business manager and his bondsmen shall be liable for the repayment to the treasurer of said board of the amount thus disapproved.

REGISTRATION OF VOTERS.

Board of registration, who to appoint.

SEC. 15. The board of education of said city, at its first regular meeting in August next previous to each election of members hereunder, or within ten days thereafter, shall appoint for each of the wards of said city in which an election is to be held under this act, a board of registration consisting of two members, voters in the respective wards, and shall at the same time provide for and designate one suitable polling place in each of said wards for the holding of said election, and for the registration of voters herein provided for. More than one polling place in each or any ward of said city may be designated by said board, and the ward divided into suitable precincts, if, in the judgment of said board, the exigencies of the case shall at any time require it. *Provided*, That if the board of education shall neglect or fail to make such appointments and to designate the places as aforesaid, at or within the time above stated, then the president of said board may, and it shall be his duty, to make such appointments and designations by filing the same with the secretary of said board. And the president may also fill any vacancy in any board of registration caused by refusal to act, resignation, sickness or in any other manner. If he fail to fill such vacancy it may be filled by the voters in the respective wards present at the respective places designated for and at the time fixed for the commencement of such registration, or during the time provided for such registration.

Proviso.

Vacancy, how filled.

Notice of registration.

Notice of the places designated for making such registration and stating the time thereof shall be given by the secretary of said board of education at least ten days previous thereto, by publishing such notice in two daily newspapers published in said city, (and such publication shall be continued six successive days altogether) and by posting, or causing to be posted,

copies of said notice, conspicuously printed, in ten of the most public places in each of said wards.

Each of the members of said board of registration shall take an oath faithfully to perform the duties of the office of member of said board, which oath may be administered by any person qualified under the laws of this State to administer oaths. Members of board to take oath.

Said board of registration shall meet and be in session for the purpose of registering the qualified voters of the ward on the Saturday next prior to such election at the place designated for holding the same, between the hours of two o'clock and eight o'clock in the afternoon of said day, and all voters qualified to vote at such election shall, by said board of registration, be registered in the respective wards where said voters reside in suitable registration books for each ward, which shall be provided by the board of education. Board, when to meet.

The general laws of this State relative to the registration of voters, so far as not inconsistent with the provisions of this act, shall apply to such registration and the conduct thereof and the rights of voters thereunder. Laws to govern.

NOMINATIONS.

SEC. 16. No person shall be qualified to be voted for as a member of said board, unless at least ten days before the date of the election, there shall be presented to the secretary of said board a written nomination of such person for the position of member thereof (and specifying in a case where a vacancy is to be filled, his nomination for the vacancy,) which nomination shall be signed by at least fifty persons qualified to vote at such election, and residents of the particular ward in which the nominee resides. Nominations how made.

BALLOTS.

SEC. 17. After the expiration of the time allowed for nominations, as aforesaid, it shall be the duty of the secretary of said board to prepare, for each ward in which an election is to be held, a ballot containing the names of all persons so nominated, and no others. And it shall be the further duty of said secretary to cause said ballots to be printed and distributed in sufficient numbers to the boards of inspectors in the several wards of said city before the time fixed for the opening of the polls. All such nominations, and a copy of the ballots prepared therefrom, shall be carefully filed and preserved by said secretary. No other ballot, except those prepared as aforesaid, shall be used at said election, nor shall any other person or persons, except those included in said ballot, be voted for at such election. A voter shall designate the person or persons on said ballot for whom he desires to vote, by placing a cross before the name of such person or persons. Duty of secretary relative to ballots, etc.

ELECTIONS.

Elections, who to appoint inspectors of.

Proviso.

Vacancy, how filled.

Notice of.

Oath of inspectors and clerk.

Polls, when open.

Who may vote.

Election, how conducted.

Who to administer oath.

SEC. 18. Said board of education shall also, at its first regular meeting in August next previous to each election of members hereunder, or within ten days thereafter, appoint for each of said wards two inspectors of election, consisting of voters in the respective wards, who, with a clerk to be chosen by said inspectors, shall constitute the board of inspectors of such election: *Provided*, That if more than one polling place in each or any ward of said city shall have been determined upon by said board, then inspectors of election for each precinct shall in like manner be appointed: *Provided, further*, That if the board of education shall neglect or fail to make such appointments, at or within the time above stated, then the president of said board may, and it shall be his duty to make such appointments by filing the same with the secretary of said board. And he may also fill any vacancy in such board of inspectors caused by refusal to act, resignation, sickness, or in any other manner. If he fail to fill such vacancy, it may be filled by the voters in the respective wards, present at the respective places designated for and at the time fixed for opening the polls, or during the time allowed for voting.

Notice of the time and places of holding said election shall be given by the secretary of said board of education, and shall be published and posted in like manner as the notices herein provided in respect to registration. The notice of an election may be made a part of the notice of registration.

Each of said inspectors and said clerk shall take oath faithfully to perform the duties of the office of inspector of such election, which oath may be administered by any person qualified under the laws of this State to administer oaths.

The polls shall be open at the respective polling places at the hour of two o'clock in the afternoon, and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they shall be finally closed.

At the election every registered person shall be entitled to vote who is twenty-one years of age, and who shall have resided in the ward in which he or she offers to vote, at least ten days next preceding such election.

Said election shall be conducted at the polls, in the manner provided by the law for conducting general elections in said city, as near as may be, so far as the same is not inconsistent with the provisions of this act.

Any member of the board of inspectors of such election shall have the power and authority to administer an oath to any person offering to vote, and to decide upon his or her qualifications as a voter at such election, and any person who shall knowingly swear falsely in regard to his or her right to vote at such election shall, upon conviction thereof, be deemed guilty of per-

jury, and shall be liable to the punishment provided by law therefor.

When the polls shall be finally closed the board of inspectors shall proceed publicly to count, determine and declare the number of votes cast, and for whom, and shall, on the same or next succeeding day, make up and sign a statement in writing showing the names of all persons who shall have voted at such election, the whole number of votes cast, and the number of votes cast for each person for whom votes were cast, which statement shall, on the next day succeeding said election, be filed with the secretary of said board of education. The ballots cast at said election shall, when the votes shall have been declared, be returned to the box, and the box be locked and sealed and deposited with said secretary at the time of the filing of said statement.

Canvass of votes.

When statement of election to be filed.

CANVASS OF ELECTIONS, ETC.

SEC. 19. On the next Saturday after such election, at the hour of eight o'clock in the evening, said board of education shall convene at its usual place of meeting, at which time and place the statements aforesaid shall be produced by the secretary, and said board shall determine from said statements what persons have received the highest number of votes as members of said board, in the respective wards wherein elections have been held, and the persons who have received the highest number shall be deemed and declared elected. If two or more persons shall have received an equal number of votes, said board of education shall choose one of such persons by ballot as member of said board, and he shall thereupon be deemed and declared elected. Within five days after said board shall have canvassed the votes as aforesaid, the secretary of said board shall notify each person declared elected of the fact of his election; and such person shall qualify within twenty days thereafter and before entering upon the duties of the office, by filing his acceptance with the secretary of said board and by taking and subscribing and filing with said secretary the constitutional oath of office.

When board to canvass inspectors' statements.

When secretary of board to notify members-elect.

When to qualify.

SEC. 20. Said board of education shall pay all the expenses attending such registration and election from its contingent fund, and shall provide all necessary ballot boxes and other facilities therefor.

Who to pay expenses of election.

GENERAL PROVISIONS.

SEC. 21. The treasurer of the city of Grand Rapids shall, at any time, on the written request of the secretary of said board of education, report to him the amount of school moneys in his hands, and shall, on the order of the president of said board, pay to the treasurer of said board all such moneys, tak-

City treasurer, when to report.

ing his receipt therefor, and also a duplicate, which he shall file with the secretary of said board.

**Jurisdiction of
Superior court.**

SEC. 22. The Superior Court of Grand Rapids shall have jurisdiction of all suits wherein the said board shall be a party.

**Any former
contract or obli-
gation to re-
main valid.**

SEC. 23. Any contract or agreement heretofore entered into or obligation incurred by the board of education superseded by this act, shall not be deemed invalid on account of the provisions hereof, but its force and effect shall be the same as if this act had not been passed, and all indebtedness in said district is hereby declared to be the indebtedness of the board created by this act, and said board shall make provision for the payment of the same.

Acts repealed.

SEC. 24. Act number three hundred forty-four, relative to free schools in the city of Grand Rapids, approved March fifteenth, eighteen hundred seventy-one, and all acts amendatory thereto, and all acts inconsistent with the provisions of this act, existing at the time this act shall take effect, are, so far as relates to the city of Grand Rapids, hereby repealed, and all provisions of the general school law of the State of Michigan not hereby repealed in this section, within said city, are declared operative and of the same force therein as elsewhere in this State. But the board of education, superseded by this act and existing under the act specifically referred to in this section, shall continue to be the board of education of said city until the election and qualification of the board of education provided for in this act, and said board of education superseded by this act shall have all the powers and be subject to all the duties given and imposed by the act so specifically referred to, as well as the duties imposed herein upon said superseded board and its officers, with reference to the first registration and election under this act.

**When general
school law
operative.**

**Board to act
prior to elec-
tion.**

**President may
file objections to
board's action.**

SEC. 25. No vote, motion or resolution passed by the board of education shall have any force or effect, if within twenty-four hours after its passage the president or other officer legally discharging the duties of president of the board of education shall lodge in the office of the secretary of said board his reasons in writing why the same should not go into effect; and the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the board of education, be passed by a vote of two-thirds of all the members of said board of education then in office; and if so re-passed shall go into effect according to the terms thereof, and no vote, motion or resolution of the board of education shall go into operation until after the expiration of twenty-four hours after its passage, unless the president or other officer legally discharging the duties of president of said board of education shall sooner announce in writing, to be filed with the secretary of said board, his approval thereof.

**When action of
board to have
effect.**

Provided.

That the provisions of this act, hereinbefore set forth, shall not become operative until the question of their adoption shall have been duly submitted to the electors of the

city of Grand Rapids, and shall be submitted by the common council at the next regular city election, or at a special election to be called for that purpose, and shall have been ratified by a vote of the majority of said electors voting on such question.

This act is ordered to take immediate effect.

Approved June 23, 1899.

CERTIFICATE.

**MICHIGAN
DEPARTMENT OF STATE
LANSING.**

I, Justus S. Stearns, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the Legislature of eighteen hundred ninety-nine was on the twenty-fourth day of June in the year of our Lord one thousand eight hundred and ninety-nine.

IN WITNESS WHEREOF I have hereunto set my hand and caused the great seal of the State of Michigan to be affixed this eighteenth day of August, A. D. one thousand eight hundred and ninety-nine.

[L. s.]

**J. S. STEARNS,
Secretary of State.**

APPENDIX

CONTAINING

Certified Statements of Boards of Supervisors

RELATIVE TO THE

ERECTION AND CHANGE OF BOUNDARIES OF TOWNSHIPS.

1

2

APPENDIX.

ONTONAGON COUNTY.

In the matter of the application of certain freeholders of McMillan and Interior townships, in the county of Ontonagon, for the detaching certain territory from the former township, and erecting a new township, to be known as the township of Haight.

The following preamble and resolution was presented, and, on motion, adopted:

In the matter of the application of certain freeholders for the annexation of certain property from McMillan township to Interior township and the division (erection) and organization of a new township, to be known as the township of "Haight."

WHEREAS, An application has been duly made to the board of supervisors of the county of Ontonagon, by C. P. Hughes, S. B. Carroll, Chas. Ellis, N. O. Smith, E. A. Carroll, Ed. Herkoucan, John Beasin, H. Keranen, John Argall, H. S. Payne, Geo. Block, John C. O'Brien, Gust. Josephson, David Coilder, Wm. H. Oakley, Luther Fuller, Aug. Hutlula, Thomas Gilder, P. H. Fitzgerald, Gus. Anderson, John Johnson, Wm. Webb, Geo. Barnes, F. J. McLaughlin, M. B. Taylor, G. Hull, E. Wilson, E. Ryan, J. B. Jenkyns, H. A. Pryor, and Ed. Foster, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the detaching of certain territory, to wit: Sections one (1), two (2), three (3), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), thirty-six (36), of town forty-eight (48) north, range thirty-eight (38) west, in Ontonagon county, State of Michigan, from the township of McMillan, and annex the same to the township of Interior, and for the division, erection and organization into a new township, to be named the township of "Haight" of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board, by due proof that notice in writing of such intended application, signed by at least twelve freeholders of each of the townships to be affected thereby, has been duly posted up and published and in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted;

Thereupon, It is ordered and determined by the said board that the territory described as follows, to wit: Sections one (1), two (2), three

(3), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), thirty-six (36), of town forty-eight (48) north, range thirty-eight (38) west, in Ontonagon county, State of Michigan, be and the same is hereby detached from the township of McMillan and annexed to the township of Interior, and that the following described territory, to wit: Town forty-six (46) north, range thirty-nine (39) west, forty-seven (47) north, range thirty-nine (39) west, and forty-six (46) north, range forty (40) west, in Ontonagon county, State of Michigan, be and the same hereby is erected and organized into a new township, to be called and known as the township of "Haight;"

That the first annual township meeting therein shall be held at the town hall, in the village of Paulding (so-called), on Monday, the third day of April next;

And Edward Ryan, M. B. Taylor and G. Hull, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State, and said above named persons shall also constitute a board of registration of such township on said first election, to meet at the said town hall, the Saturday preceding the election; and that J. B. Jenkyns post the notices of the time and place of holding such meeting.

Adopted by yea and nay vote, a majority of all the members elected voting therefor, to wit:

Yeas—Messrs. Trevarrow, Bigge, Anderson, Hargrave, Oakley and Conry.

Nays—Messrs. Haight and Jeffs.

STATE OF MICHIGAN, }
County of Ontonagon, } ss.

I, John F. Dreiss, clerk of the county of Ontonagon and clerk of the circuit court of said county, the same being a court of record and having a seal, do hereby certify that I have compared the annexed copy of a preamble and resolution passed by the board of supervisors of said county of Ontonagon, at a session of said board, on the 15th day of March, A. D. 1899, with the original record thereof now remaining in my office, and have found the said copy to be a correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand and affixed the
[L. S.] seal of said circuit court, at the village of Ontonagon, this 22d day of March, A. D. 1899.

JOHN F. DREISS,
Clerk.

CERTIFIED COPIES OF PROCEEDINGSRELATIVE TO THE INCORPORATION OF VILLAGES.

ALLEGAN COUNTY.

In the matter of the petition of the council of the village of Otsego to extend the boundaries of said village by taking in lands and premises adjoining thereto.

STATE OF MICHIGAN, }
County of Allegan, } ss

At an adjourned meeting, from the regular October session of the board of supervisors of said county, held at the supervisors' rooms in the court house, in the village of Allegan, in said county, on the 13th day of January, 1899, at which were present a quorum of said board of supervisors, with Supervisor John Lubbers in the chair.

In the matter of the petition of the council of the village of Otsego, in said county, to alter the boundaries of said village by taking in lands and premises adjoining thereto.

At which meeting were also present said council of said village, by Anderson & Anderson, its attorneys, in behalf of said petition, and Eber W. Sherwood, Gorham A. Sherwood, David Mitchell and John Beebe, in person, and others by remonstrance filed with the clerk of said board of supervisors, in opposition thereto, they being parties interested in said petition, and were heard touching the proposed boundaries of said village, and the said alterations, and after such hearing and due consideration of such petition, it is hereby ordered and determined, and said board of supervisors do hereby order and determine, that the prayer in said petition contained, asking to have the boundaries of said village of Otsego altered by taking in the lands therein described as "commencing at the southwest corner of the southeast quarter of section twenty-two, in the township of Otsego, Allegan county, Michigan; thence east to the southeast corner of the west half of the southeast quarter of said section twenty-two; thence north to the northeast corner of the west half of the southeast quarter of said section twenty-two; thence west to the center of said section numbered twenty-two; thence south to the place of beginning, the same being the west half of the southeast quarter of said section numbered twenty-two;" and "also commencing at the northeast corner of the west half of the southwest quarter of the southeast quarter of section fourteen in said township; thence south along the east line of the corporate limits of the village of Otsego, to the section line between sec-

tions twenty-three and twenty-six of said township; thence east along said section line to the southeast corner of the west half of the southeast quarter of said section numbered twenty-three; thence north along the eighth line to the northwest corner of the southeast quarter of the southeast quarter of said section numbered fourteen; thence west to the place of beginning, being the east half of the west half of the east half of said section numbered twenty-three, and the east half of the southwest quarter of the southeast quarter of said section numbered fourteen;" also "commencing at the northeast corner of the southeast quarter of the southeast quarter of section numbered fifteen, in said township; thence west one hundred sixty rods, to the north and south quarter line, through said section fifteen; thence south to the center of the Kalamazoo river; thence easterly up said river, along the center line thereof, to the section line between sections twenty-two and twenty-three; thence north to the place of beginning, being the south half of the southeast quarter of section fifteen, and the north fraction of the northeast quarter of section twenty-two, in said township," be granted by taking the same into the corporate limits of said village of Otsego.

Further, That the boundaries of said village of Otsego, as so enlarged, be and the same are hereby fixed, and are hereby ordered and determined to exist as follows, to wit: commencing at the stone at the southwest corner of section twenty-three (23), town one north, range twelve west; thence east along the south line of said section twenty-three to the one-eighth post in the south line of the southeast quarter of said section twenty-three; thence north on the north and south one-eighth line of the east half of said section twenty-three to the one-eighth post in the north line of the northeast quarter of said section twenty-three; thence north on the north and south one-eighth line of the southeast quarter of section fourteen, town one north, range twelve west, to the central one-eighth post in the said southeast quarter of said section fourteen; thence west along the east and west one-eighth line of the south half of said section fourteen to the one-eighth post in the west line of the southwest quarter of said section fourteen; thence west on the east and west one-eighth line of the southeast quarter of section fifteen in said town to the one-eighth post in the west line of the said southeast quarter of section fifteen; thence south on the quarter line to the quarter post on the south line of section twenty-two; thence east to the southeast corner of section twenty-two, the place of beginning.

JOHN LUBBERS,

as Chairman of the Board of Supervisors.

C. A. BARNES,

as Clerk of the Board of Supervisors.

STATE OF MICHIGAN, }
County of Allegan, } ss.

I, Chas. L. Barrett, deputy clerk of said county and of the circuit court thereof, a court of record, and deputy clerk of the board of supervisors of said county, do hereby certify that I have compared the foregoing copy of order and determination of said board of supervisors, extending the corporate limits of the village of Otsego, in said county, with

the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the
[L. s.] seal of said court at the village of Allegan this thirteenth day of January, A. D. 1899.

CHAS. L. BARRETT,
Deputy Clerk.

HOUGHTON COUNTY.

In the matter of the petition of the common council of the village of Laurium to alter the boundaries of said village.

Houghton, Mich., Feb. 8, 1898.

The board of supervisors for the county of Houghton met pursuant to adjournment, at the office of the county clerk in the village of Houghton, on Tuesday, February 8, 1898.

The board was called to order by the chairman. The following supervisors were present:

John Duncan, chairman, Calumet township; A. D. Edwards, Adams township; G. W. Bentley, Chassell township; Z. W. Wright, Franklin township; A. J. Scott, Hancock township; Christof Fox, Portage township; Chas. Smith, Torch Lake township; Alex Henderson, Laird township; W. E. Parnell, Osceola township; S. B. Harris, Quincy township.

Absent: George W. Orr, Schoolcraft township; W. G. Van Slyck, Duncan township.

The following resolution was presented and read to the board:

Resolved, by the board of supervisors of the county of Houghton, That, whereas, the petition of the common council of the village of Laurium, to alter the boundaries of said village of Laurium, dated February 7, 1898, has been duly presented to this board, and the said petition having been heard and duly considered, it is hereby ordered and determined by said board of supervisors that the prayer of said petition be granted by adding to said village of Laurium the territory described in said petition as follows: Beginning at the one-quarter post on the north side of section twenty-four (24); thence north eighty-eight degrees fifty-three minutes, east five hundred and seventy-three and eight-tenths feet; thence south twenty-seven degrees eleven minutes, west fourteen hundred and fifty-nine and two-tenths feet; thence south sixty-two degrees forty-nine minutes, east one hundred and eighty feet; thence south twenty-seven degrees eleven minutes, west nineteen hundred and eighty-six feet; thence south sixty-two degrees forty-nine minutes, east three hundred feet; thence south twenty-seven degrees eleven minutes, west eighteen hundred and twenty-five and eighteen one-hundredths feet; thence south twenty-seven degrees twenty-one minutes, east four hundred and eighty and seventy one-hundredths feet; thence south eighty-eight degrees twenty and one-fourth minutes, west fourteen hundred and two and fifty-three one hundredths feet along the section line; thence north twen-

ty-two degrees thirty-three minutes, west one hundred and thirty-nine and forty-five one hundredths feet; thence north no degrees twenty-four minutes, west nine hundred and twenty-one and fifty-five one hundredths feet; thence north sixty-two degrees thirty-nine minutes, east eight hundred and eleven and fifteen one hundredths feet; thence north twenty-seven degrees eleven minutes east thirty-one hundred and ninety-eight and seventy-five one hundredths feet; thence north sixty-two degrees forty-nine minutes, west nine hundred feet; thence north twenty-seven degrees eleven minutes east seven hundred and fifty-six and three-tenths feet; thence north eighty-nine degrees nine minutes east nine hundred and twenty-two and two-tenths feet, to the place of beginning.

Which resolution was adopted by the following yea and nay vote:

Yeas—Duncan, Edwards, Wright, Scott, Henderson, Parnell, Harris, Fox and Smith. Total, 9.

Nays—None.

Absent and not voting—Bentley, Van Slyke and Orr. Total, 3.

JOHN DUNCAN,
Chairman.
R. H. SHIELDS,
Clerk.

STATE OF MICHIGAN, }
County of Houghton, } ss.

I, Robert H. Shields, clerk of said county, and clerk of the board of supervisors thereof, do hereby certify that the annexed is a true and accurate copy of the original record of the proceedings of the board of supervisors of said county relative to the addition of certain territory to the village of Laurium, on the eighth day of February, A. D. 1898, in my custody and keeping as such clerk; and that I have carefully compared said copy with said original record, and that the same is a true and accurate copy of said original and of the whole of the same.

In witness whereof I have hereunto set my hand and affixed the
[L. s.] seal of the circuit court of said county, this 11th day of February, A. D. 1898.

ROBERT H. SHIELDS,
County Clerk.

HURON COUNTY.

In the matter of the application of certain resident voters for the incorporation of the village of Ubly.

Bad Axe, Mich., June 26, 1896.

Board met pursuant to adjournment. Roll called. Quorum present.

Supervisor Brown offered the following resolution, which, on motion of Supervisor Healy, seconded by Parr, was accepted and adopted by the following aye and nay vote:

Ayes—McGregor, Hughes, Murdock, Houvener, Carr, Sullivan, Tarry, Geltz, Parr, Shine, Marquardt, Dufty, Dukelow, Thomas, Brown, Shaina,

Wallace, Frank, Ward, Gremel, Healy, Tschirhart, Schmyser, Philip and Challis—25.

Nays—Baskin—1.

WHEREAS, Application having been made to the board of supervisors for the county of Huron to incorporate the village of Ubly, Huron county, Michigan, and it appearing by the petition for said incorporation that the territory of said village is not included in any incorporated village and contains an area of not less than one square mile and a resident population of not less than three hundred residents, and it further appearing by the petition that not less than thirty resident voters have prayed for said incorporation, and it further appearing that the proper census had been made of said territory and that all notices and pre-requisites pertaining to said incorporation have been complied with and all parties interested in them have been heard. Now, therefore:

Section 1. The board of supervisors of Huron county, and State of Michigan, herein and hereby order, enact and declare that the following described territory, to wit: Commencing at a point 80 rods east of the center of section 22, in township 15 north of range 13 east, running thence west one mile to a point 80 rods east of the center of section 21 in said township, running thence south one mile to a point 80 rods east of the center of section 28 in said township, running thence east one mile to a point 80 rods east of the center of section 27 in said township, thence north one mile to the place of beginning. Said territory includes the following descriptions of land, to wit: West $\frac{1}{2}$ of southeast $\frac{1}{4}$ of section 22; southwest $\frac{1}{4}$ section 22; east $\frac{1}{2}$ of southeast quarter $\frac{1}{4}$ section 21; east $\frac{1}{2}$ of northeast $\frac{1}{4}$ section 28; northwest $\frac{1}{4}$ of section 27; west $\frac{1}{2}$ of northeast $\frac{1}{4}$ section 27; all in township 15 north of range 13 east, being in the township of Bingham, Huron county, Michigan, being territory not included in any corporate village, be and the same is hereby made and constituted the village corporate by the name of the village of Ubly. By virtue of and under the provisions of an act entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February 19, 1895.

Sec. 2. The first election of officers of said village shall be held on the first Monday in August, 1896, at Band hall, in said village.

Sec. 3. The following four discreet persons, residents of such territory and qualified electors therein, who shall constitute a board of registration for said first election to be held in said village, and who shall also act as the inspectors of election, at said first election, to wit: Alfred Pagett, D. H. Pierce, Darley Leach, J. C. Ryan.

On motion of Supervisor Houvener, seconded by Marquardt, the board adjourned until 7:30 o'clock tomorrow morning.

LEONARD R. THOMAS,
Chairman.

EUGENE H. SWAIN,
Clerk.

STATE OF MICHIGAN, } ss.
 County of Huron, }

I, Eugene H. Swain, clerk of the circuit court for said county, do hereby certify that the above and foregoing is a true and compared copy of an original incorporation of the village of Ubly, county of Huron and State of Michigan, now on record in the office of the clerk of said county and court, and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the [L. s.] seal of said court at the village of Bad Axe, this 18th day of June, A. D. 1898.

EUGENE H. SWAIN,
 Clerk.

HURON COUNTY.

In the matter of the petition of resident voters for the incorporation of the village of Caseville.

Bad Axe, Mich., Oct. 15, A. D. 1898, 8 o'clock a. m.

Board met pursuant to adjournment. Roll called. Quorum present.

The committee on the petition for the incorporation of the village of Caseville made the following report, which, on motion of Supervisor Tschirhart, seconded by Schmyser, was accepted and adopted:

To the Honorable Board of Supervisors of Huron County:

Your committee, to whom was referred the petition for the incorporation of the village of Caseville, respectfully report that they have carefully looked over the said petition and find that the petitioners have fulfilled all the requirements of act 3 of the session laws of 1895, being an act to provide for the incorporation of villages in the State of Michigan; and we therefore submit the following resolutions:

WHEREAS, Application having been made to the board of supervisors for the county of Huron to incorporate the village of Caseville, Huron county, Michigan, and it appearing by the petition for said incorporation that the territory of said village is not included in any incorporate village, and contains an area of not less than one square mile, and a resident population of not less than 300 residents, and it further appearing from the petition that not less than 30 resident voters have prayed for said incorporation, and it further appearing that the proper census has been made of said territory, and that all notices and pre-requisites pertaining to said incorporation have been complied with, and all parties interested in them have been heard; now therefore,

Section 1. The board of supervisors of Huron county and State of Michigan, hereby order and enact and declare that the following described territory, to wit: All of fractional sections 34 and 35, and the south half of section 26, town 18 north, range 10 east, being in the township of Caseville, Huron county, Michigan, being territory not included in any incorporated village, and the same is hereby made and consti-

tuted a village corporate by the name of the village of Caseville, by virtue of and under the provisions of an act entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties, approved February 19, 1895:"

Sec. 2. The first election of officers of said village shall be held on the first Monday of December, 1898, at the Maccabee hall in said village.

Sec. 3. The following four discreet persons, residents of said territory and qualified electors therein, who shall constitute a board of registration for said first election to be held in said village, and who shall also act as inspectors of election of said first election, to wit: T. B. Woodworth, P. P. Weber, M. C. Smalley, Chas. Crawford.

All of which is respectfully submitted.

THOMAS SULLIVAN,
ENOCH W. TURNER,
ARTHUR T. TETREAU,
Committee.

On motion of Supervisor Sullivan, seconded by Carr, the board adjourned until next Monday at 11 o'clock a. m.

FINLEY D. M'GREGOR,
Chairman.
EUGENE H. SWAIN,
Clerk.

(Countersigned)

STATE OF MICHIGAN, }
County of Huron, } ss.

I, Eugene H. Swain, clerk of the circuit court and county aforesaid, do hereby certify that the above and foregoing is a true copy and transcript, compared by me, of the incorporation of the village of Caseville, Huron county, Michigan, by the board of supervisors of said county, on the 15th day of October, A. D. 1898, and the whole of said original remaining of record in my office.

In testimony whereof I have hereunto set my hand and affixed the [L. s.] seal of the court this 26th day of October, A. D. 1898.

EUGENE H. SWAIN,
Clerk.

KALAMAZOO COUNTY.

In the matter of the application of certain resident voters praying for the incorporation of the village of Climax, in said county.

The board of supervisors of the county of Kalamazoo having duly received the application of more than thirty legal voters residing within the west half of section two and the east half of section three, in the township of Climax, Kalamazoo county, Michigan, to incorporate said west half of section two and the said east half of section three, by the name of the village of Climax, under and in pursuance of act No. 3 of the legislature of the State of Michigan, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining

their powers and duties," approved February 19, 1895; which said application was in due form, complying in all respects with the requirements of said act, and said board of supervisors, having fixed this date, viz.: Thursday, the 5th day of January, 1899, at two o'clock in the afternoon, as the time for hearing all parties interested, and having, after due notice, heard fully all parties desiring to be heard in said matter, and after hearing all such parties, being fully satisfied that all the requirements of said act in respect to such application have been fully complied with, and that such territory proposed to be incorporated, viz.: The west half of the said section two and the east half of said section three, contains the population required by said act to authorize the incorporation thereof as a village; therefore, it is hereby ordered as follows:

First, That said territory, viz., the west half of section two and the east half of section three, in the township of Climax, Kalamazoo county, State of Michigan, be and the same is hereby declared to be an incorporated village under the name of the village of Climax.

Second, That Monday, the 13th day of March, 1899, at a room on the ground floor in the southwest corner of the building owned by Willison and Aldrich, situated on the east side of Main street, in said incorporated territory, be and the same is hereby fixed and appointed as the time and place for holding the first election for said village.

Third, That William H. Sheldon, Frank L. Willison, Francis E. Hodge-man and Wilbur Scramlin, four discreet persons, residents of said incorporated territory, and duly qualified electors therein, be and they are hereby selected, appointed and constituted a board of registration for said first election to be held in said village, and who are also hereby authorized and appointed to act as inspectors of election at said first election.

Fourth, That said application and affidavits verifying and accompanying the same, together with all notices, proof of the posting and publishing of same, objections filed to such incorporation, and all the proceedings of this board touching such incorporation, including this order, be entered at large upon the records of this board by the clerk thereof; that all papers relating thereto be forthwith filed with the county clerk of Kalamazoo county, and that such clerk forthwith transmit a duly certified copy of this order to the Secretary of State of the State of Michigan, for filing and recording in the office of the Secretary of State, as required by the provisions of said act.

MICHAEL W. BREST,
Chairman Board of Supervisors.

Attest: ASHLEY CLAPP,
County Clerk,
Kalamazoo County, Mich.

STATE OF MICHIGAN, }
County of Kalamazoo, } ss.

I, Ashley Clapp, clerk for the county of Kalamazoo, do hereby certify that the above and foregoing is a true and correct copy of the proceedings of the board of supervisors incorporating the village of Climax, as appears of record in my office; that I have compared the same with

the original, and it is a true transcript therefrom, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the [L. s.] seal of said court, at Kalamazoo, this 9th day of January, A. D. 1899.

ASHLEY CLAPP,
Clerk.

LEELANAU COUNTY.

In the matter of the application of residents and voters applying for the incorporation of Sutton's Bay, of the above named county, as a village.

At the annual meeting of the board of supervisors of Leelanau county, Michigan, held at Leland on the 11th day of October, 1898, the following business was transacted:

Mr. Jordan presented a petition and application of more than thirty residents and legal voters of Sutton's Bay, asking to be incorporated as a village.

On motion of Mr. Fritz, the petition and application was referred to the committee on townships and villages.

Mr. Jordan, for the committee on townships and villages, read the following report:

To the Honorable Board of Supervisors of Leelanau County:

Your committee on townships and villages beg leave to report as follows, and recommend that the following preamble and resolution be adopted:

WHEREAS, More than thirty residents of, and legal voters of, the township of Sutton's Bay, county of Leelanau and State of Michigan, presented a petition and made application to this board to have a certain territory in said township of Sutton's Bay, in Leelanau county, Michigan, described in said petition incorporated as a village by the name of, and to be known as, the village of Sutton's Bay; and whereas, it appears to this board that all the requirements of Act No. 3 of the Public Acts of 1895 of the legislature of this State in respect to said petition and application have been complied with, and that the territory described in said petition contains a population of 300 inhabitants and upwards, to wit: 361 persons; now, therefore, be it

Resolved, Ordered and declared, that the following described land or territory be an incorporated village by the name of, and to be known as, the village of Sutton's Bay, to wit: All the land and territory included in the following boundaries, to wit: Beginning on the shore of Grand Traverse bay at the intersection of the east and west quarter line of section (21) twenty-one; running thence west on said line to the east line of section (20) twenty; thence south eighty rods; thence west eighty rods; thence south on division lines to the south line of section (29) twenty-nine; thence east on said line to Grand Traverse bay; thence north along the shore of said bay to the place of beginning, containing six hundred

and sixty acres and nine-hundredths of one acre, according to the government survey thereof, all in township (30) thirty north, range (11) eleven west, in Leelanau county, Michigan.

And it is further resolved and ordered by the said board that the first Monday in December, A. D. 1898, be the time for holding the first election for said village, and the office of the township clerk in the said village of Sutton's Bay be the place for holding the said first election.

And it is further ordered, that Carl N. Braathen, John Ott, Sr., William A. Wyman and Charles E. Steimel, discreet persons residents of the above described territory and qualified electors therein, be and are hereby appointed a board of registration for said first election to be held in said village, and who shall also act as inspectors of election at said first election.

NYE JORDAN,
JOSEPH KRUBNER,
WILLIAM SULLIVAN,
Committee.

The above resolution was unanimously adopted.

S. C. GARTHE,
Chairman.
Z. E. HINSHAW,
Clerk.

STATE OF MICHIGAN, }
County of Leelanau, } ss.

I, Z. E. Hinshaw, clerk of the county of Leelanau and clerk of the circuit court for said county, the same being a court of record and having a seal, do hereby certify that I have compared the annexed of the proceedings of the board of supervisors of said county, in regard to the incorporation of the village of Sutton's Bay, with the original record thereof now remaining in my office, and have found the said copy to be and that the same is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the
[L. s.] seal of said court at Leland, this 26th day of October, A. D.
1898.

Z. E. HINSHAW,
Clerk.

MENOMINEE COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Stephenson.

STATE OF MICHIGAN, }
County of Menominee, } ss.

WHEREAS, A petition was on the 10th day of October, 1898, presented to the board of supervisors of said county, at a regular session of said board, praying for an order incorporating the territory hereinafter de-

scribed, and signed by thirty-one legal voters residing within the limits of said proposed incorporation, which petition was heard by said board, being in regular session, on the 10th day of October, 1898, and further hearing adjourned to December 16, 1898; and,

WHEREAS, All parties presenting themselves on the 16th day of December, 1898, were heard in relation to the matter set forth and prayed for in said petition; and,

WHEREAS, Said board of supervisors are satisfied that all the requirements of Act No. 3 of the Session Laws of 1895 of Michigan have been complied with, and that the territory described in said petition contains the population required by said act;

Therefore, at a regular session of said board of supervisors, held this 16th day of December, 1898, it is ordered and declared by said board that the following described territory, to wit: Bounded by lines beginning at the northeast corner of the northwest quarter of the northeast quarter of section twenty-three (23), township thirty-five (35) north of range twenty-seven (27) west, and running directly west to the northwest corner of the northeast quarter of the northeast quarter of section twenty-two of township thirty five north of range twenty-seven west; from thence running directly south to the southwest corner of the southeast quarter of the southeast quarter of section twenty-two of township thirty-five north of range twenty-seven west; from thence running directly east to the southwest corner of the southeast quarter of the southeast quarter of section twenty-three of township thirty-five north of range twenty-seven west; and thence north to a point of beginning, said described territory being located in the township of Stephenson, in said county, and being the territory described in the said petition, shall be and is hereby made an incorporated village under the provisions of Act No. 3 of the Session Laws of 1895 of Michigan, and that the name of said village shall be Stephenson.

It is further ordered, that the first election for the election of village officers, as provided in said act, shall be held in the town hall located within the limits of said incorporation, on the first day of February, 1899, and that A. N. Loth, William Elder, C. B. Marson and G. W. Bean, discreet residents of said territory and qualified electors therein, shall constitute the board of registration and act as inspectors of election at said first election.

STATE OF MICHIGAN, }
County of Menominee, } ss.

I, J. Chas. Guay, clerk of the county of Menominee, and also clerk of the circuit court for said county and State, the same being a court of record, do hereby certify that I have compared the foregoing copy of order of incorporation with the original on file and of record in my office, and that the same is a true and compared copy of such original, which said original was made and entered by the board of supervisors the 16th day of December, 1898.

In witness whereof I have hereunto set my hand and affixed the
[L. s.] seal of said court and county the 10th day of January, A. D.
1899.

J. CHAS. GUAY,
Clerk.

PRESQUE ISLE COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Onaway.

COPY OF RESOLUTION AND ORDER.

Thursday, February 16, 1899, at 9 a. m.

Chairman called meeting to order.

Clerk called the roll, full board present.

On motion, the petition to incorporate the village of Onaway was taken up.

After hearing all parties interested who did appear and ask to be heard in relation to the incorporation of the village of Onaway, in Presque Isle county, State of Michigan,

On motion of Supervisor Hoeft, seconded by Supervisor Caldwell, Resolved, and it is hereby ordered, that all of section five (5) and the north half ($\frac{1}{2}$) of northwest quarter ($\frac{1}{4}$) of section eight (8), town thirty-four (34) north of range two (2) east meridian of Michigan, be and the same is hereby organized and incorporated into a village, to be known as the village of Onaway, with all the powers and privileges of a village in the State of Michigan, according to the statute in such case made and provided.

And that the first election of officers of said village shall be held at Flater's hall, in said village of Onaway, on Wednesday, the 15th day of March, 1899. William W. McKune, Henry B. Bush, Samuel Woodruff and George Bruce hereby constitute a board of registration for the purpose of registering votes for the first election to be held in said village, and said board of registration shall also constitute a board of election inspectors at said first election.

Ayes.—Supervisors Hoeft, Kowalski, Grambau, Bunton, Kennedy, Glove, Litzow, Heslip, Caldwell, Pronia, and Chairman Young.

Nays.—None.

STATE OF MICHIGAN, |
County of Presque Isle, | ss.

I, Joseph Smith, clerk of the county of Presque Isle and clerk of the circuit court for said county, also clerk of the board of supervisors, the same being a court of record and having a seal, do hereby certify that I have compared the annexed copy of resolution and order to incorporate the village of Onaway, passed by the board of supervisors February 16, 1899, with the original record thereof now remaining in my office, and have found the said copy to be and the same is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the
[L. s.] seal of said court at Rogers City, this 25th day of February,
A. D. 1899.

JOSEPH SMITH.

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